

# COUNCIL REPORT



CITY OF MOUNTAIN VIEW

**AGENDA:** September 20, 2011

**CATEGORY:** Public Hearing

**DEPT.:** Community Development

**TITLE:** Introduce an Ordinance Amending  
Sections of Chapter 36 (Zoning  
Ordinance)

# 5.3

## **RECOMMENDATION**

Introduce AN ORDINANCE AMENDING SECTIONS OF CHAPTER 36 OF THE MOUNTAIN VIEW CITY CODE RELATED TO A HEIGHT EXCEPTION FOR TELECOMMUNICATION FACILITIES ON UTILITY POLES, to be read in title only, further reading waived, and set second reading for September 27, 2011 (Attachment 2 to the staff report).

**FISCAL IMPACT**—None.

## **BACKGROUND AND ANALYSIS**

### **Study Session**

The City Council received an update on private-sector wireless communication facilities at a Study Session on July 5, 2011. As part of the Study Session, staff introduced Outdoor Distributed Antenna Systems (oDAS), which is an alternative to traditional telecommunication sites in areas of the City that are harder to serve by carriers. AT&T and ExteNet were present at the Study Session and provided information on oDAS and their interest in building networks in Mountain View, particularly in the Monta Loma and Rengstorff Park neighborhoods. These oDAS networks typically require a height extension to existing utility poles for the antenna equipment. Under the current Zoning Ordinance, most utility poles exceed the height limit of the underlying zoning district. Council authorized staff to prepare zoning text amendments that could allow height exceptions for wireless communication facilities on utility poles.

### **Proposed Text Amendments**

Three minor text amendments were prepared to allow a height exception for wireless communication facilities and clarify how the Zoning Ordinance applies to wireless communication facilities.

### *Height Exception*

A new subsection is proposed for Section 36.40.1 (Height Limits) in the Zoning Ordinance to describe the exception process for height extensions to utility poles for wireless communication facilities in all zoning districts. The process will require a Development Review Permit, subject to final action by the Zoning Administrator at a publicly noticed hearing. This will allow all property owners near a proposed site to be informed and involved in the process in the same manner that all other wireless facilities go through. The applicant would have to demonstrate that the proposed facility has the least visually obtrusive design, is requesting the minimum increase in height for the utility pole, is structurally sound and does not impair vehicular, bicycle or pedestrian access with ground level equipment boxes. oDAS systems generally have very little ground level equipment, but the proposed amendment would apply to any wireless communication technology.

### *Zoning Regulations Applicable to the Right-of-Way*

Section A36.10.030.D (Exemptions from Zoning Permit Requirements) is proposed for amendment to clarify that zoning regulations, including the requirement for Development Review for wireless communication facilities, apply on private property and any City right-of-way, since zoning district boundaries are generally located at the centerline of public streets. Also, to improve clarity to the public and applicants about the scope of the review process, new language is proposed to identify the aesthetic elements reviewed by staff on all wireless communication facility applications such as bulk, height and location. This amendment codifies existing practice.

### *Definition*

Clarification to the definition of "Antennas, Communications Facilities" in Section A36.95 (Definitions) is proposed as well. The change is to clarify that any telecommunication service with a wireless component is an antenna or communication facility and requires Development Review. This amendment codifies existing practice.

### **Environmental Planning Commission**

The Environmental Planning Commission reviewed these amendments at their regular September 7, 2011 hearing (See Attachment 1, Environmental Planning Commission Staff Report). Commissioners supported increased flexibility within the Zoning Ordinance to allow for additional options for wireless communication facility design and location. They did raise concerns with aesthetic impacts and logistic impacts with collocation on a single pole, which will be important issues that will be considered with each associated Development Review Permit. The EPC unanimously recommended approval of the proposed text amendments.

**CONCLUSION**

The proposed text amendments allow the City to consider alternative telecommunication facility design that may improve wireless service in hard-to-serve areas of the City and improve the clarity of the zoning regulations for applicants.

**NEXT STEPS**

If Council approves the proposed text amendments, staff will begin working with AT&T and ExteNet on their proposed oDAS applications and public outreach for the neighborhoods where the facilities are proposed. No public hearings will occur until after the effective date of the text amendments.

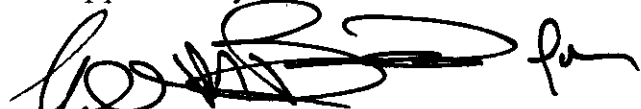
**PUBLIC NOTICING**—Agenda posting and the newspaper.

Prepared by:



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Peter Gilli  
Zoning Administrator



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- Attachments: 1. Environmental Planning Commission Staff Report for September 7, 2011  
2. Ordinance Amending Chapter 36

**CITY OF MOUNTAIN VIEW****ENVIRONMENTAL PLANNING COMMISSION****STAFF REPORT****WEDNESDAY, SEPTEMBER 7, 2011****5. PUBLIC HEARINGS****5.3 Minor Text Amendments to the Zoning Ordinance to Allow a Height Exception for Wireless Communication Facilities in the Public Right-of-Way****RECOMMENDATION**

Public hearing to consider minor amendments to the Zoning Ordinance in Chapter 36 of the City Code to allow for height exceptions to be considered for wireless communication facilities on existing utility poles, utility towers and light standards and to clarify that zoning district development standards apply to wireless communication facilities in the City's public right-of-way.

**PUBLIC NOTIFICATION**

Notice of this public hearing was published in the newspaper. The meeting was advertised on Channel 26, and the agenda and staff report were posted on the City's web site at [www.mountainview.gov](http://www.mountainview.gov).

**ENVIRONMENTAL STATUS**

These text amendments are exempt from the California Environmental Quality Act (CEQA) review as they are minor in nature.

**SUGGESTED MEETING PROCEDURE**

The purpose of this meeting is for the Environmental Planning Commission (EPC) to consider the proposed Zoning Ordinance text amendments and then provide a recommendation to the City Council. Staff recommends the following meeting procedure:

1. Staff presentation.
2. Questions and requests for clarification from Commissioners about the staff report.



3. Public comment.
4. Commissioner review and discussion of report.
5. Motion to recommend the amendment as proposed, with modifications, or to recommend denial.

## BACKGROUND

Wireless technology is ever improving and evolving. Equipment and devices, such as mobile phones, are getting smaller, faster and more versatile. To meet the growing demand for wireless services, providers are driven to expand their networks by installing new wireless facilities. One such new facility is the Outdoor Distributed Antenna System (oDAS) that includes a network of small antennas distributed in close proximity. oDAS is an alternative to traditional wireless communication facilities, such as building-mounted or monopole sites, which can be effective in areas with low building heights or limited commercial/industrial properties. oDAS providers often prefer to place facilities on existing electric and telephone poles or other structures (such as light poles) in the public rights-of-way. The advantage of oDAS antennas or similar structures over traditional cell towers is that they may be lower in height; a disadvantage is that more of them (and their ancillary facilities) may be required.

In a Study Session in July 2011, staff presented information to the City Council on the nature of wireless communication facilities in the City and recent developments in technology, such as oDAS. Staff requested City Council authorization to study minor text amendments to the Zoning Ordinance to allow flexibility in height standards for wireless communication facilities on utility poles. City Council authorized staff to study such text amendments (see Attachment 1—City Council Study Session Memo Dated June 30, 2011).

### Recent Developments

Within the past six months, staff has been approached by AT&T and ExteNet with proposals to install oDAS facilities on utility poles in the City's public right-of-way. Their proposed oDAS networks cover areas of the City with known coverage gaps. Such areas include Rengstorff Park and the Monta Loma neighborhood.

The City of Mountain View is not the only city to be approached by companies with this type of technology. In fact, the City of Los Altos and the City of Palo Alto have also recently been approached with similar proposals.

### Description of oDAS

An oDAS network is designed with a series of smaller antenna sites, known as nodes, distributed approximately one-quarter to one-half mile apart on existing utility poles. The technology, like other antenna equipment, requires a minimum height from grade in order to provide the desired coverage and a minimum separation between antenna equipment and the existing utility lines. For these reasons, existing utility poles will need to be extended in height or replaced with taller poles. Proposed extensions can vary greatly depending on the technology, location and desired coverage. The extensions may range from approximately 6' to 15'+ on utility poles that range in height from 25' to 50'+. A lower extension or height limit may result in the addition of more nodes in order to provide equivalent coverage. In most zoning districts in Mountain View, the height extensions are not permitted without a variance application as the existing poles are at, or exceed, the maximum permitted height. Because oDAS systems offer an opportunity to increase coverage while limiting the number of larger cell towers, it may be sensible for the City to provide such attachments without requiring a variance.

An interesting feature of the oDAS design is that a single node can be shared by multiple carriers and has multi-generational network capabilities (i.e., providing coverage for 3G and 4G devices simultaneously). However, while a certain number of carriers can share a single node, it may require increasing the width of the pole and increasing the number of equipment devices or boxes. AT&T and ExteNet will be present at the hearing and can provide more specific details and information on oDAS.

### **PROPOSED TEXT AMENDMENTS**

Staff supports oDAS as an alternative to monopoles in residential neighborhoods. In order to permit oDAS designs or similar technology, staff has drafted text amendments that would: (1) allow for height exceptions to be considered for proposed facilities in all zoning districts; (2) clarification that the development standards for a zoning district apply to wireless communication facilities proposed in the City's rights-of-way, as has been practiced policy throughout the City for wireless facilities; and (3) update the definition of communication facilities to further clarify that wireless facilities are not exempt from permit review.

### Height Exception

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In Section 36.40.1 (Height Limits), various development types are exempt from height standards of the zoning district in which they are located. Such development types include buildings used for manufacturing, churches and barns. Staff is proposing to add a fourth subsection for wireless communication facilities

proposed on existing utility poles, utility towers or light standards in all zoning districts, including the City's public right of-way (see Attachment 2—Height Exception Amendment, for details).

With this amendment, applicants proposing a wireless communication facility that requires extended height, like oDAS, would be permitted to submit an application if they comply with the following:

1. Development Review Permit—The applicant must submit a Development Review Permit and proceed through the review process, including a noticed Zoning Administrator Hearing. This process is currently required for all proposed wireless communication facilities throughout the City.
2. Least Visual Impact—It must be proven by the applicant that the proposed facility, including its associated equipment (which equipment includes devices installed by third parties in connection with the operation of the facility), is the least intrusive alternative for the site or area, as opposed to a traditional communication facility like a building-mounted or monopole design. This is to ensure that all other avenues have been exhausted before moving forward with a design that proposes a height exception.
3. Height—The applicant must demonstrate that the requested height exception is the least amount of additional height needed in order to meet the providers' coverage goals. This may vary depending on technology, the proximity of cell sites, the service provider and the intended coverage area.

Staff considered setting a cap for the height extension, but struggled to find a solution that could be standardized across utility poles with varying heights to result in a consistent finished height. Utility poles typically range in height between 25' to 50' (excluding the utility towers at 120'+). So, setting the cap as a percentage of the pole height or using a single extension maximum would still create a height imbalance since shorter poles need more of a height extension than taller poles. A sliding scale can get complicated and would require analysis of data that is not easily attainable, such as the height of all utility poles in the City. Additionally, staff is concerned that by setting a cap, it may limit future technologies outside of oDAS that may have different needs and requirements.

4. Structurally Safe—The applicant must also demonstrate that the proposed facility and any proposed changes are safe and the existing pole or tower can withstand the additional equipment.
5. Accessibility—It must be demonstrated that the facility and its associated equipment does not impede access to any public or private sidewalk,

walkway, driveway or roadway. This is to ensure accessibility requirements are met and to ensure equipment does not visually or physically impede vehicular or pedestrian access to public or private property.

### Zoning Regulations Applicable to Right-of-Way

In Section A36.10.030.D (Exemptions from Zoning Permit Requirements), various project types are listed that are exempt from standard permit review processes and provided with either an exemption from the review process entirely or listed with an alternative review process. Within this section is Item No. 14 (Antennas, Communication Facilities), that states that communication facilities are required to comply with the zoning district in which they are located and must submit for a Development Review Permit. Staff is proposing to add a sentence that clarifies that this process is also required for all communication facilities proposed in the City's public right-of-way. This has been standard practice. It is to reiterate that the City's Zoning District standards apply to the public right-of-way as shown on the adopted Zoning Map (see Attachment 3—Exemption Section Amendment, for details). Additionally, staff is proposing to include a sentence that discusses key aesthetic components reviewed by Planning Division staff on all communication facility applications, such as bulk, height and location.

### Definition Section

A minor clarifying change is also proposed to the existing definition for "Antennas, Communications Facilities" in Section A36.95 (Definitions). The change is to clarify that any service with a wireless component is an antenna or communication facility and is not exempt from permit review. This is to further differentiate telephone services, which are wired, from wireless telecommunication facilities, which can have wired and wireless components (see Attachment 4—Definition Section Amendment, for details).

### **CONCLUSION**

The proposed amendments are intended to allow for Mountain View residents and workers to receive improved wireless services in areas which are currently underserved in a manner that is less visually intrusive or impactful than a traditional wireless facility. These amendments are a short-term solution to a long-term need—to develop a comprehensive set of telecommunication regulations following the completion of the General Plan Update.

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### **NEXT STEPS**

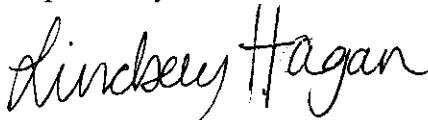
Following the EPC hearing, staff will present the EPC recommendation to the City Council. A neighborhood meeting(s) will occur for residents located in areas

where oDAS facilities are proposed. The meeting(s) will introduce residents to AT&T and ExteNet's proposed oDAS technology and networks.

#### ALTERNATIVES

1. Recommend approval of the proposed text amendments to the City Council;
2. Recommend approval of the proposed text amendments, with modifications, to the City Council; or
3. Recommend denial of the proposed text amendments to the City Council.

Prepared by:



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Approved by:



Peter Gilli  
Zoning Administrator

LH/7/CDD

823-09-07-11SR-E^

- Attachments:
1. City Council Study Session Memo Dated June 30, 2011
  2. Height Exception Amendment
  3. Exemption Section Amendment
  4. Definition Section Amendment

CITY OF MOUNTAIN VIEW  
MEMORANDUM

DATE: June 30, 2011

TO: City Council

FROM: Peter Gilli, Zoning Administrator

SUBJECT: JULY 5, 2011 STUDY SESSION—WIRELESS TELECOMMUNICATION FACILITIES IN MOUNTAIN VIEW

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**PURPOSE**

The purpose of this Study Session is to provide Council with background information of wireless communication facilities (WCFs) and obtain direction on strategies to improve the wireless infrastructure in certain areas of the City.

**BACKGROUND**

**Technology Primer**

In the early 2000s, a wireless communication facility was often referred to as a cell tower and provided voice and text services. Now, new technologies have been developed that go beyond the basic parameters of a cell tower to include data and video transmission. For that reason, we are using a more general term of wireless communication facility (WCF). While the technology has significantly improved, the fundamental premise of WCFs remains rooted in the original cell tower design (see Attachment 1—Simplified Cell Tower Diagram—2005).

The following information is provided as background to discuss land use policies related to the City's review of WCFs:

1. Antenna panels on a WCF transmit voice/data wirelessly to a consumer device (like a cell phone) using line-of-sight. If there is no line-of-sight, the device will have no signal. This is why antenna panels must be elevated in the air.
2. The equipment cabinets associated with each WCF funnels data to the antenna panels through wired landline connections within the provider's network.
3. The range of an antenna panel is based on the power output of the panel and the height at which the panel is located. A WCF will have optimal coverage area

when it has the greatest height and the appropriately powered antenna panels. In general, the same coverage area can be established by a few tall WCFs or by numerous shorter WCFs, as long as the line-of-sight is maintained.

### **Overview of WCFs in Mountain View**

Pursuant to Federal and State law, and associated case law, the City is authorized to regulate the time, place and manner of WCF installations and operations, which includes authority to regulate aesthetic (visual and design) impacts regarding WCFs, whether on private property or in the public right-of-way. However, Federal law places limits on the scope of the City's review of WCFs. For example, the City cannot base a decision on health concerns if the proposal meets the FCC regulations for radio frequency (RF) emissions. In addition, a City cannot unreasonably prohibit a service provider from providing coverage to an area if a demonstrated gap in service exists but, in such case, may require the carrier to prove that the proposed WCF represents the least intrusive alternative to provide service to the gap. Accordingly, the current Zoning Ordinance allows WCFs in all zoning districts, with the exception of R1- and R2-zoned lots with single-family homes, subject to a Development Review Permit (DRP). The scope of a DRP is limited to design issues, making it an appropriate permit to review WCFs.

City records show 64 sites within the City have WCFs. Several of these sites accommodate multiple service providers. Over the past five years, providers of wireless data services such as AT&T, T-Mobile and Sprint have submitted numerous zoning permit applications to upgrade and expand their wireless communication infrastructure to serve residents, employees and visitors of Mountain View. This work was necessary to accommodate the public's increased use of devices that rely on wireless data service for business and daily activities. From 2009 to date, 65 such applications have been received, which represents a significant increase when compared to prior years.

For each application, staff worked with representatives of the major service providers to obtain the optimal balance of wireless data service while minimizing the visual impact of the infrastructure within the height regulations of the Zoning Ordinance. For most of the City, providers have been successful in finding appropriate sites and design solutions to expand their infrastructure capacity without creating significant visual impacts for the public. As a result 52 applications have been approved with only 1 denial and 1 appeal (the remaining applications were withdrawn or are still under review). Unfortunately, due to the physical design and character of Mountain View, there are two areas in the City where staff and service providers have not been able to upgrade based on typical WCF proposals, which is discussed later in this report.

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## ANALYSIS

This report outlines the common types of WCFs, how staff approaches each type of facility, a description of areas of the City that have not been upgraded and how the City could respond to a new set of proposals to serve those areas.

**Examples of WCFs** (For photo examples, see Attachment 2, Photos of WCF Facilities.)

- Cell Towers—These facilities range from 50' to 100' in height. A cell tower typically has mast arms at the top with an array of panels and can accommodate multiple providers. In Mountain View, these facilities have only been erected in industrial areas along Ferguson Drive, Wyandotte Street and La Avenida. (NOTE: The Ferguson Drive tower is now close to residential uses, but the tower predated the residential area by several years.) Staff supports upgrades to existing infrastructure on these towers so long as it does not increase the height because these towers are so unattractive that the net visual impact of additional panels is not considered significant. The base of the tower and all associated equipment are often enclosed behind a 6' fenced enclosure. Staff has consistently discouraged new towers, and service providers typically do not request them. New towers in other communities are often disguised as tree poles.
- Monopoles—These are poles that range from 35' to 70' in height and have a reduced profile with one set of antenna panels built relatively flush with the rest of the pole or integrated completely inside the pole. These facilities do not accommodate additional providers. While not uncommon in the region, Mountain View only has one such monopole.
- Tree Poles—These are cell towers or monopoles that are disguised as a tree, often a pine or palm tree. Mountain View does not have any tree-poles. Staff discourages tree poles because, in our judgment, the design and material is neither convincing nor blends well with existing trees. However, if a situation occurred where the only possible method of providing service to an area required a monopole or tree-pole, staff may recommend the monopole design.
- Building-Mounted (Including Rooftop)—These are antenna panels attached to the building facade or placed on the roof. Older installations often have panels sticking out from the rooftop that are visible from the street. Recent installations tend to blend into rooftop equipment screens. The supporting equipment boxes are located within the building or on the roof. When implemented properly, these installations have the lowest visual impact and are consistently supported by staff. There are numerous commercial, office and hospital buildings that have building-mounted panels. To date, facilities on multi-story residential buildings have not

been proposed by service providers. The 444 Castro Street building (adjacent to City Hall) has several installations on the rooftop since it is one of the tallest buildings in the City; also, there are several building-mounted WCFs along El Camino Real.

- Church Installations—This category is separated from the building-mounted example because church installations typically require the construction of a new building element, such as a tower or spire, to house the antenna panels, and these sites are in residential areas. Since they are in residential areas, these proposals are often controversial and staff (and providers) generally seek out other viable alternatives before proceeding with a church site. Three churches have existing WCFs and one has an approved permit for a WCF, but has not begun construction.
- Sports Light Poles—Sports fields with large light standards have been used as sites for WCFs. These light standards are tall enough that the antenna panels can be located underneath the lights, thereby not increasing the height of the standard and keeping the visual impact to a minimum. One facility is located on a shared City/school district facility and another is at a private high school.
- PG&E Lattice Towers—PG&E lattice towers run along Highway 85 and north into North Bayshore. These towers are over 150' in height and antenna panels placed at the top or along the supporting legs are accepted because, like cell towers, these PG&E towers are already unsightly and the addition of antenna panels do not increase the negative visual impact significantly. However, staff has found that while the panels on the tower may not be a significant visual impact, the related equipment cabinets and enclosures on the ground cause visual and maintenance-related conflicts for towers along the Stevens Creek Trail and in Shoreline at Mountain View Park (Shoreline Park). For those reasons, recent proposals for WCFs on lattice towers in these areas have been discouraged.
- Utility Poles—Standard utility poles along public streets within the City have also been used for WCFs. There are two existing WCFs on utility poles. These WCFs have been shorter in height than the providers desired because they were not allowed to increase the utility pole height based on the Zoning Ordinance. Additional consideration of utility pole facilities will be discussed later in this report.
- Miscellaneous City Properties—There are three existing WCFs on City-owned properties: one is at Fire Station 3 and two on a light pole in the Shoreline Amphitheatre Parking Lot. A fourth facility was approved for a light pole in Parking Lot A on the east side of North Shoreline Boulevard, across from the Amphitheatre, but has not yet been constructed. In addition to the zoning review

process, these providers were required to sign a lease, as is customarily required for the lease of City property or facilities. The City receives lease revenue for each of these WCFs. The current rate for these leases is \$2,500 per month with 3 percent annual compounded increases. This rate is based on a survey of other California municipalities.

Proposals have been made to locate WCFs in City parks, which staff has discouraged, because it would limit future flexibility of the park design and programming, associated equipment boxes would take up valuable open space and periodic maintenance by providers could result in short-term unavailability of open space to the public.

A large communications tower exists at the Police Department, which is used solely for emergency communication with neighboring cities. It is not used for private wireless communications.

### Coverage Gaps

Over the past five years, two areas within the City have been identified as having major challenges of achieving wireless voice and data coverage using the traditional approaches discussed above (see Attachment 3—Map of Known WCF Coverage Gaps).

1. Monta Loma/Rengstorff Area—The area generally lacks taller buildings to allow for building-mounted WCFs. A church in the area has one existing facility and is proposing a second facility, but it is not likely that the church can accommodate additional WCFs in the future. Remaining options would be to allow several smaller WCFs on utility poles along public streets within the neighborhoods (to be discussed later in this report) or allow new, tall monopoles at the neighborhood shopping centers in the area or at Rengstorff Park.
2. Shoreline Park—While there may not be as much demand for service at Shoreline Park when compared to a residential neighborhood, the existing coverage may not consistently provide adequate service for a park visitor to reach 9-1-1 in the case of an emergency. There are no tall buildings to allow for building-mounted WCFs. Remaining options would be to allow several smaller WCFs on utility poles and light standards within the park, allow the installation of large equipment enclosures to serve antenna panels on the PG&E lattice towers that run through the park or allow new monopoles within or at the boundary of the park. Any installations of ground-level equipment cabinets in Shoreline Park would have to be appropriately sited and designed in a manner to not impact burrowing owl habitat.

### **Solution for Sensitive Areas—Outdoor Distributed Antenna System (oDAS)**

Wireless service providers have recognized the need to explore new approaches to provide service in sensitive areas such as residential neighborhoods. AT&T and Extenet have approached the City with preliminary proposals for an Outdoor Distributed Antenna System (oDAS) in the public right-of-way. An oDAS is a network of small antenna panels on existing utility poles that can serve residential neighborhoods in a manner that is visually more acceptable than new monopoles. Representatives from AT&T and Extenet plan to present their concepts to the Council at this Study Session (see Attachment 4—Extenet and AT&T photo simulations of proposed oDAS node).

AT&T and Extenet have similar proposals to construct an oDAS network by taking 12 to 18 existing utility poles (each) and extending their height in order to install low-powered antenna panels on the poles above the utility lines. The panels on each utility pole would become a node in the oDAS network located approximately 35' above the ground. The equipment boxes needed to serve these panels are significantly smaller than those associated with monopoles and can be located on the pole itself. The area covered by the proposed oDAS networks would be equivalent to what could be covered by a couple of monopoles with high-powered panels.

The oDAS proposal would provide wireless infrastructure to the neighborhood on existing, albeit taller, utility poles without the addition of new poles to the area. Also, while decisions on WCFs cannot be based on RF emissions, the oDAS system's use of lower-powered antenna panels results in less emissions when compared to a standard monopole, which may ease public concerns. Also, oDAS infrastructure can also be shared among multiple providers.

The drawback to the oDAS proposal is that the Zoning Ordinance currently would not allow the utility poles to be extended beyond 28', 30' or 45' in height in the applicable residential districts for the installation of these WCFs. In theory, the providers can meet the ordinance requirement by locating the oDAS panels under the utility lines, but that would significantly reduce the range of each node, thus requiring more nodes. A network that may need a dozen nodes at the 35' height may need 18 to 24+ nodes at this lower height.

In addition to the increased visual impacts of having more utility poles with these oDAS nodes is the increased cost to providers for construction and maintenance of the increased amount of nodes. This approach may also reduce the attractiveness of the oDAS to providers, leading them to pursue monopoles in order to provide the necessary coverage in these sensitive areas, which would be more controversial.

Staff believes the public benefit of oDAS is significant when compared to potential requests for monopoles in neighborhoods. To offer an incentive for providers to consider oDAS networks in sensitive areas, a minor ordinance amendment should be considered to allow the Zoning Administrator to approve height extensions for oDAS systems on existing utility poles, on a case-by-case basis, through the established Development Review process. This amendment would be a City-initiated zoning amendment, which does not require Gatekeeper authorization. The proposed amendment should be minor in scope to allow the quick processing of the amendment and limit the resource impact on staff. If Council authorizes this amendment, Environmental Planning Commission (EPC) review would be anticipated in August, with Council action in September or October.

If such an amendment is enacted, providers would still have to file for a Development Review Permit (DRP) and go through a public hearing process for these installations, which will maintain the surrounding neighborhood's opportunity to be informed about, and comment on, these proposals. In addition, any work in the right-of-way requires encroachment permits or agreements, which are standard ministerial permits from Public Works. Since public notification will be provided at the project level, special public outreach for the minor zoning amendment is not proposed.

In the long term, a more comprehensive ordinance for WCF may be appropriate, but such a study would be more resource-intensive and should be considered after the adoption of the General Plan update.


### **Discussion Topics**

This Study Session is an informational meeting and not intended for any evaluation of a particular project. Staff requests Council comments or recommendations on the following policy topics:

1. Direction related to staff strategies for approaching various types of WCF proposals described in the report.
  2. Authorization to study a minor ordinance change to allow for utility pole height extensions on a case-by-case basis.
  3. Expanding the consideration of WCF on City properties, parks, trails and the City's communication towers; particularly if the alternative is locating facilities within residential neighborhoods.
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4. Strategies to provide service to Shoreline Park, including use of monopoles, PG&E lattice towers or oDAS networks on light/utility poles.

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Zoning Administrator

Approved by:



Randal Tsuda  
Community Development Director

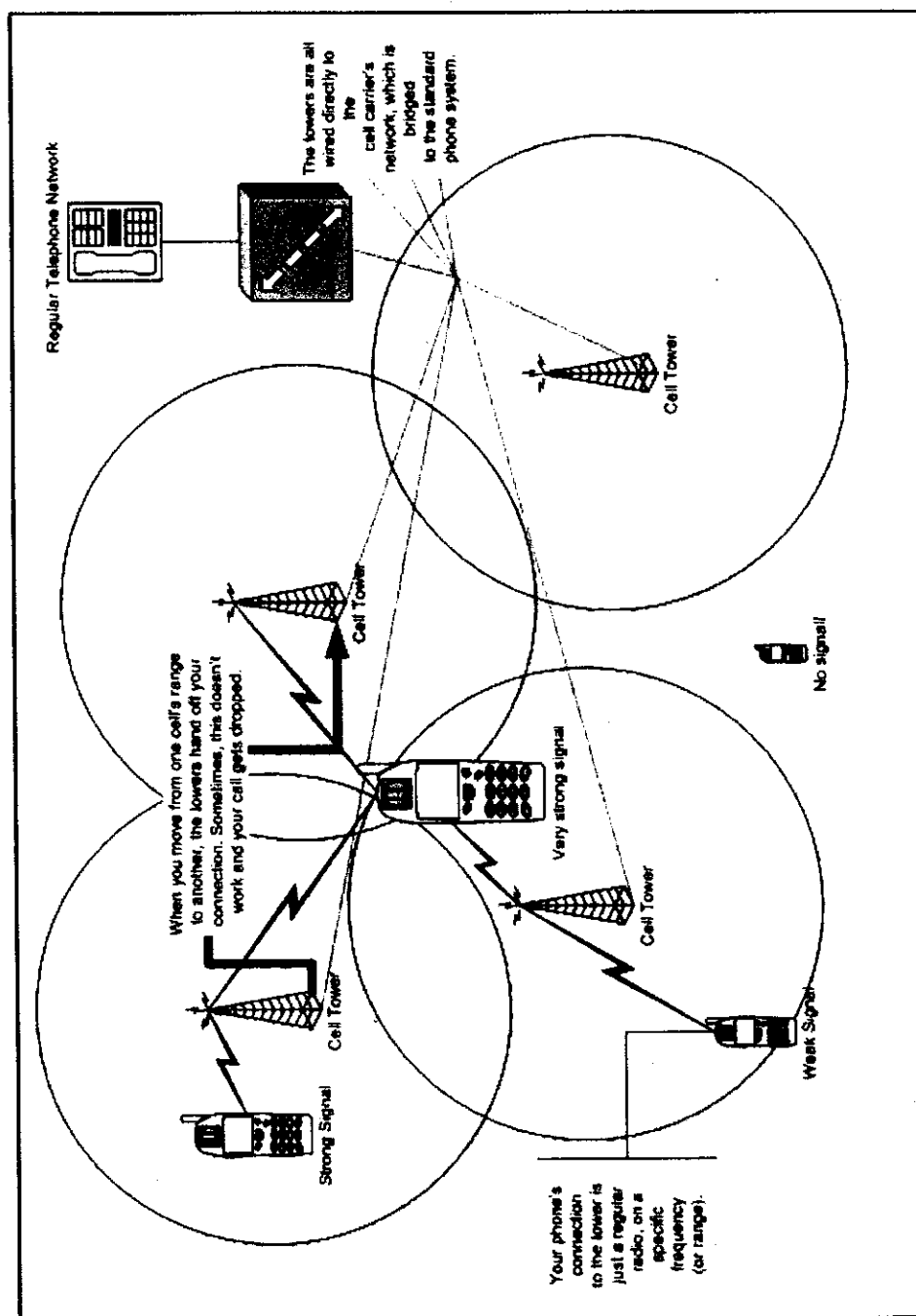


Melissa Stevenson Dile  
Interim City Manager

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- Attachments:
1. Simplified Cell Tower Diagram—2005
  2. Photos of WCF Facilities
  3. Map of Known WCF Coverage Gaps
  4. Extenet and AT&T Photo Simulations of Proposed oDAS Node
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## Simplified Cell Tower Diagram





## PHOTO EXAMPLES OF WIRELESS COMMUNICATION FACILITIES (WCFs)

CELL TOWER



MONOPOLE (Slim)



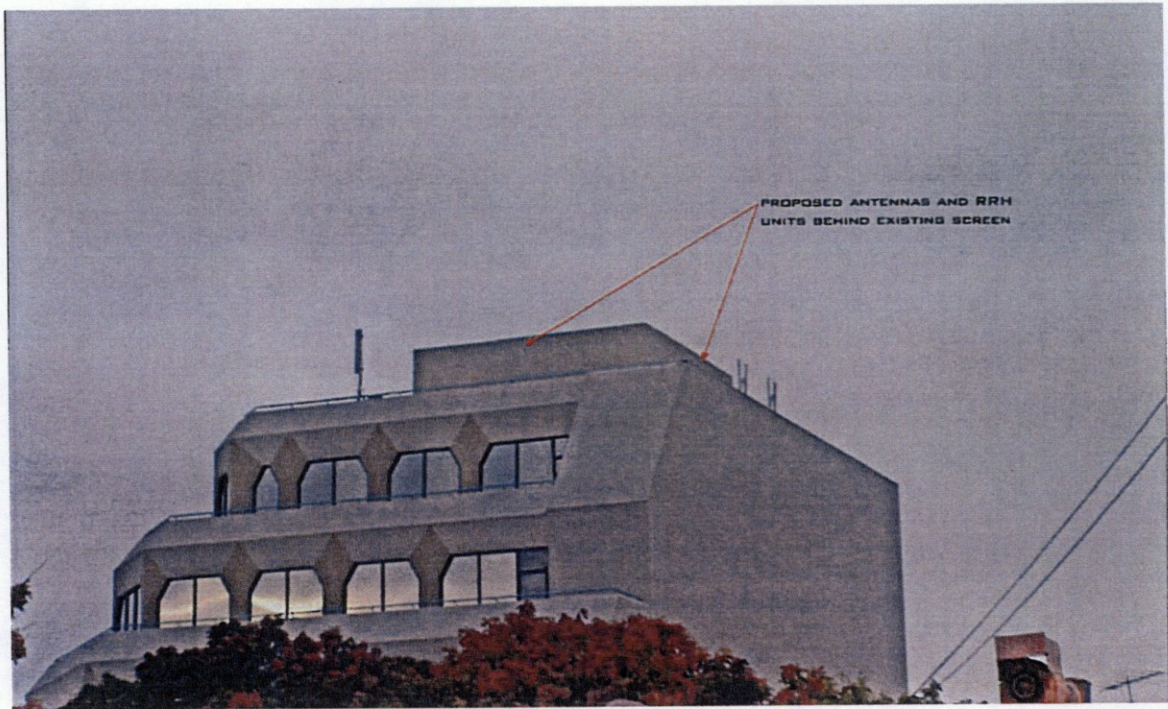


TREE-POLE (Monopine)

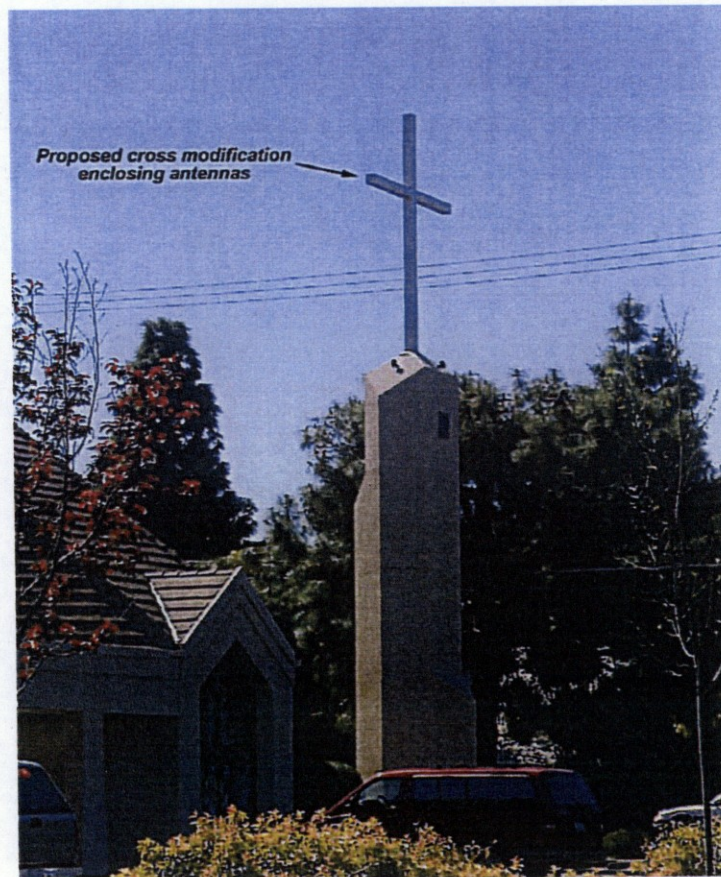




BUILDING-MOUNTED (roof-top)



CHURCH MONUMENT CROSS

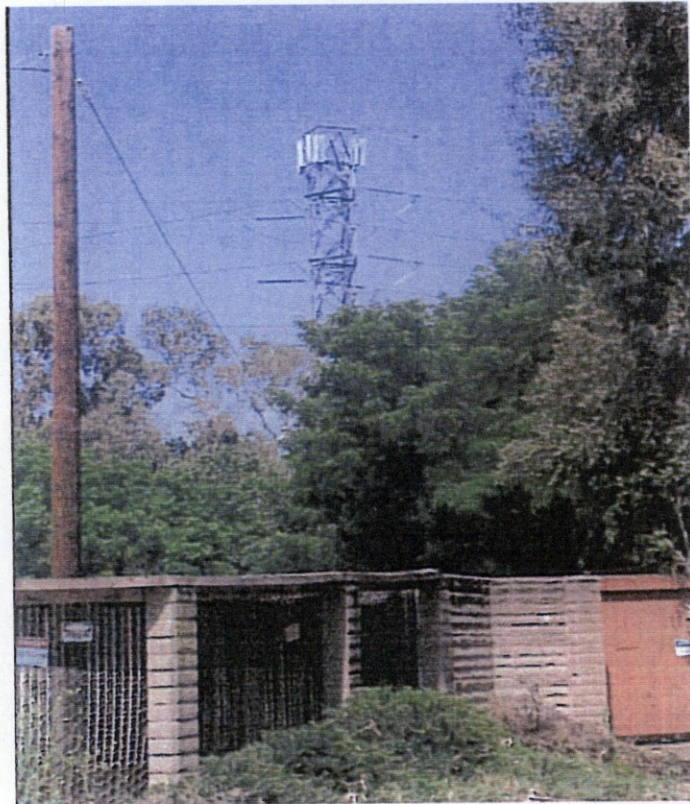




SPORT LIGHT POLE



PG&E LATTICE TOWER

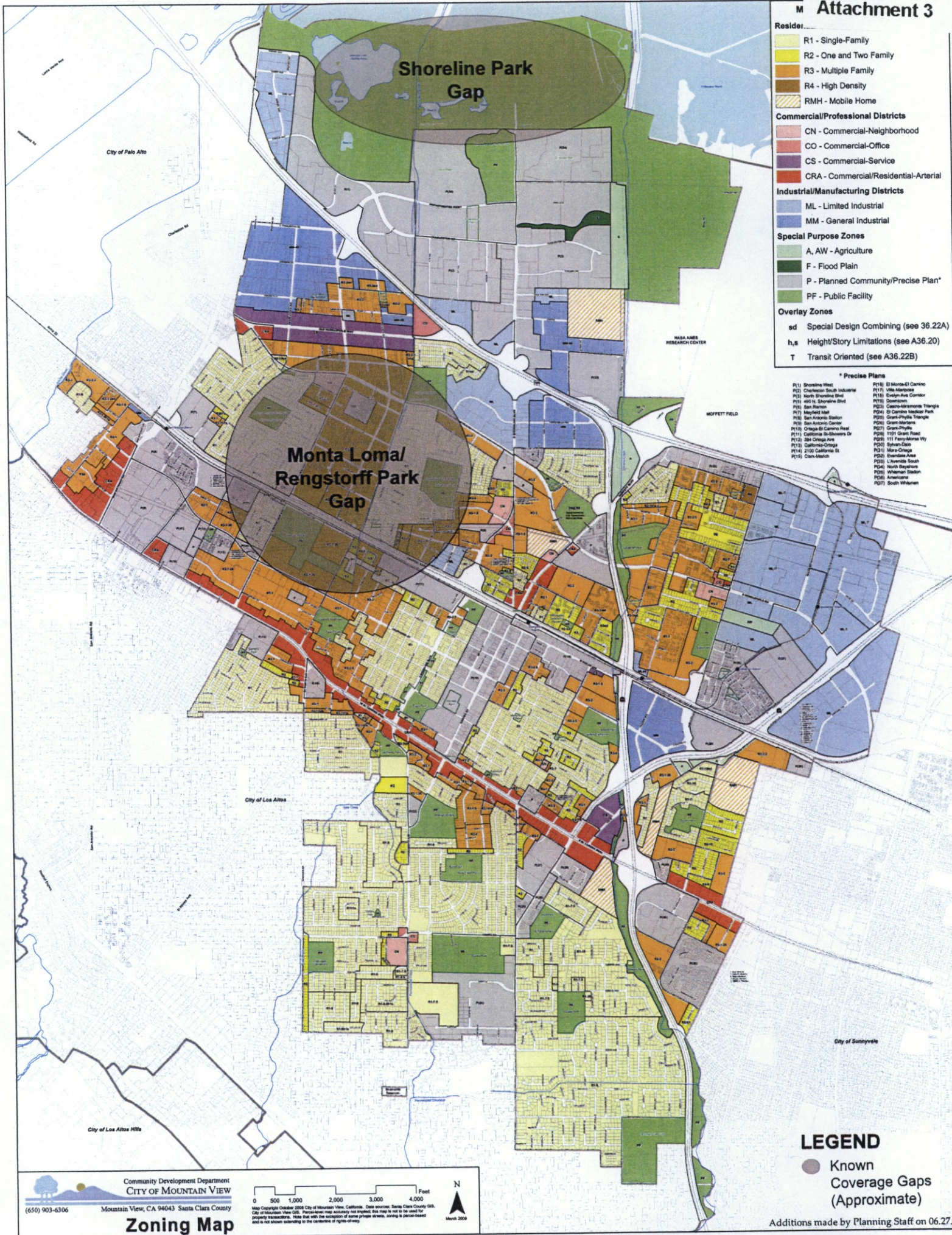




UTILITY POLE





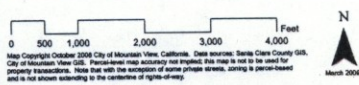


- Residential**
- R1 - Single-Family
  - R2 - One and Two Family
  - R3 - Multiple Family
  - R4 - High Density
  - RMH - Mobile Home
- Commercial/Professional Districts**
- CN - Commercial-Neighborhood
  - CO - Commercial-Office
  - CS - Commercial-Service
  - CRA - Commercial/Residential-Arterial
- Industrial/Manufacturing Districts**
- ML - Limited Industrial
  - MM - General Industrial
- Special Purpose Zones**
- A, AW - Agriculture
  - F - Flood Plain
  - P - Planned Community/Precise Plan\*
  - PF - Public Facility
- Overlay Zones**
- sd Special Design Combining (see A36.22A)
  - h,s Height/Story Limitations (see A36.20)
  - T Transit Oriented (see A36.22B)

- \* Precise Plans**
- |                                  |                                   |
|----------------------------------|-----------------------------------|
| P(1) Shoreline West              | P(18) El Monte-El Camino          |
| P(2) Chesterton South Industrial | P(17) Villa Montrose              |
| P(3) North Shoreline Blvd        | P(13) Serrano Ave Corridor        |
| P(4) 450 N. Shoreline Blvd       | P(16) Downtown                    |
| P(5) San Ramon                   | P(22) Claremont-Montrose Triangle |
| P(7) Mayfield Mall               | P(24) El Camino Medical Park      |
| P(8) San Antonio Station         | P(26) Grant Plaza Triangle        |
| P(9) San Antonio Center          | P(28) Grant Stations              |
| P(10) Ortega El Camino Road      | P(27) Grant Plaza                 |
| P(11) California St-Shoreline Dr | P(29) 1531 Grant Road             |
| P(12) 384 Ortega Ave             | P(25) 111 Ferry-Monte Vly         |
| P(13) California-Ortega          | P(30) Bayshore Plaza              |
| P(14) 2100 California St         | P(31) More-Ortega                 |
| P(15) Clark-March                | P(32) Overlook Area               |
|                                  | P(33) L'Avenida South             |
|                                  | P(34) North Redwood               |
|                                  | P(35) Whisman Station             |
|                                  | P(36) Americana                   |
|                                  | P(37) South Whisman               |

**LEGEND**

- Known Coverage Gaps (Approximate)

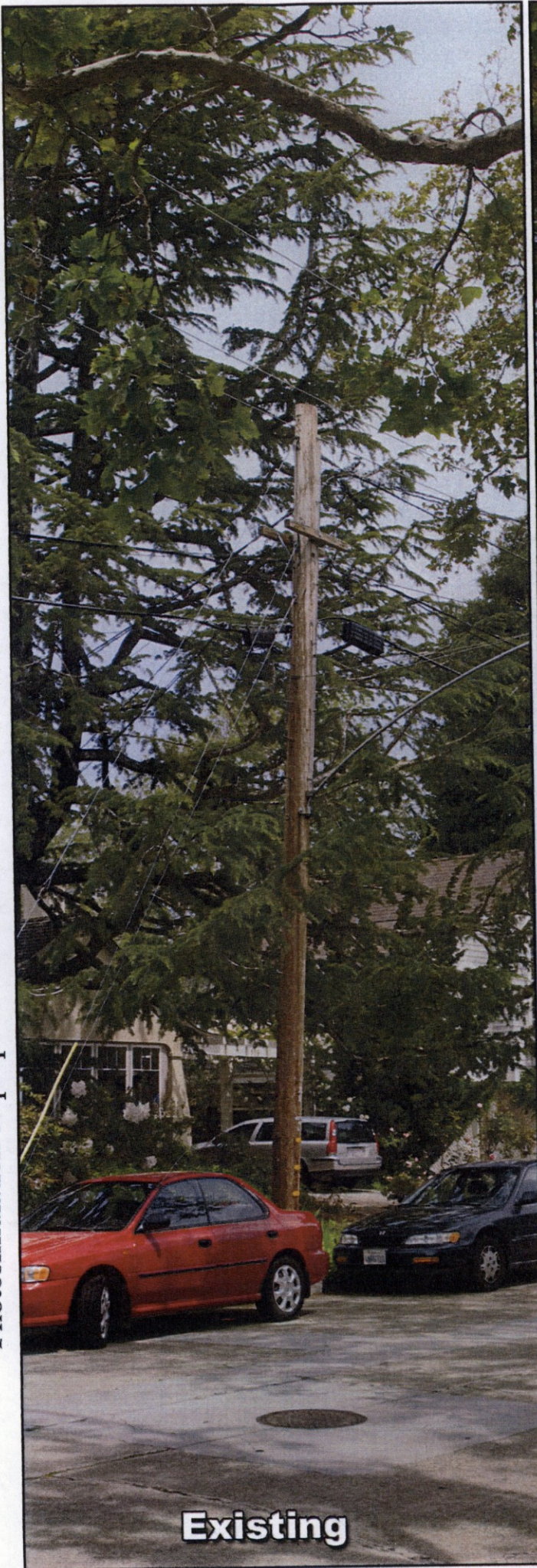




# AT&T Photosims

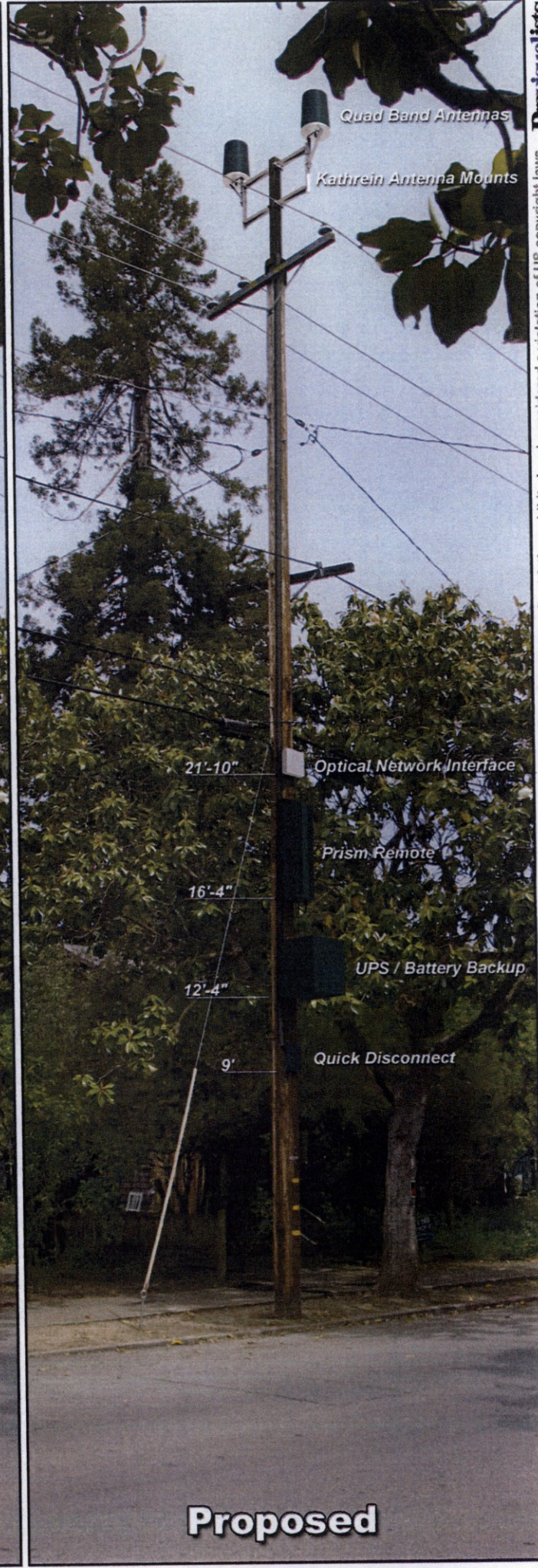


Photosimulation of proposed installation as seen looking due north from across Coleridge.





Photosimulation of proposed installation as seen looking due north from across Lincoln Ave.





(4) the proposed extension and other changes to the pole or equipment are proven, by the applicant, to be structurally sound and safe; and

(5) equipment associated with the facility does not impede pedestrian or vehicular accessibility along any public or private pathways, sidewalks, driveways or roadways, visually impede any safe use of the same, or otherwise present a hazard to pedestrian or vehicular use of the same.

**SEC. 36.40.2. Repealed by Ord. No. 7.11. 4/26/11.**

**SEC. 36.40.3. Projections into required yards.**

Certain architectural features may project into required yards or courts as follows: cornices, canopies, awnings, eaves, fire escapes, porches, decks, balconies, landing places, outside stairways or other architectural features may project to within three (3) feet of any side property line and may project six (6) feet into any front or rear yard. This is not to be construed as prohibiting open porches or stoops not exceeding eighteen (18) inches in height extending to any side or rear lot line. (Ord. No. 10.83, 4/26/83.)

**SEC. 36.40.4. Fences, walls, hedges and screen planting.**

Fences, walls, hedges and screen planting may be located as follows:

(a) In the CN, CO, ML or MM districts, fences may not exceed three (3) feet in height within the required front yard or street setback area unless they are incidental to and related to the residential use of the land, in which case they shall be regulated by the fence regulations for "R" districts. In all nonresidential districts, in required yards other than front yards and street setback areas, fences may not exceed seven (7) feet in height. (Ord. No. 99.76, 12/13/76; Ord. No. 10.83, 4/26/83; Ord. No. 3.03, 4/22/03.)

**SEC. 36.40.5 to**

**SEC. 36.40.6.**

**Repealed by Ord. No. 3.03, 4/22/03.**

**SEC. 36.40.7. Existing lots of record.**

Any lot which conformed to law at the time of its creation, and any lot legally created prior to annexation to the city may be used as a building site even when said lot or parcel is of less area or width than required by the regulations for the district within which it is located which are applicable at the time of its development; provided, however, that all other regulations of such district shall apply to such lots or parcel. (Ord. No. 29.73 , 9/11/73; Ord. No. 10.83, 4/26/83.)

**SEC. 36.41 to**

**SEC. 36.41.17.**

**Repealed by Ord. No. 4.01, 4/24/01.**

Sec. A36.10.030

**C. Temporary uses.** Requirements for establishing a temporary use are in Section A36.54 (Temporary Use Permits).

**D. Exemptions from zoning permit requirements.** The zoning permit requirements of this article do not apply to the following activities, land uses and structures, which are permitted in all zoning districts.

**1. Decks, paths and driveways.** Decks, platforms, on-site paths, and driveways that are not required to have building or grading permits by Chapter 8 (Building Code section) of the City Code, and are not over eighteen (18) inches above natural grade and not over any basement or story below.

**2. Fences — R1 and R2 Zoning Districts.** The following types of fences in the R1 and R2 zoning districts are exempt from zoning permit requirements. Allowed fence heights and locations are illustrated in Figure 36.10-1 (Fence and Wall Standards).

**a. Interior lots.** Fences up to three (3) feet in height when located within the required front yard, or up to six (6) feet in height located on rear or side property lines outside the required front yard, and entry features over front yard gates (e.g., open-latticed arbors and trellises) not exceeding eight (8) feet in height, three (3) feet in depth or five (5) feet in width, when located within the required front yard.

**b. Corner lots.**

(1) Fences up to three (3) feet in height within the required setbacks;

(2) Entry features over front yard gates (e.g., open-latticed arbors and trellises), not exceeding eight (8) feet in height, three (3) feet in depth or five (5) feet in width, when located within the required front yard but outside the traffic safety visibility areas; and

(3) Fences up to six (6) feet in height located on rear and side property lines outside the required front yard and traffic safety visibility areas, and at least five (5) feet from the street side property line. Further, fences over three (3) feet in height adjacent to the side street property line shall be set back where the side street fence approaches an adjacent lot's front yard in order to create a triangular traffic safety visibility area for the adjacent lot. This triangle is formed by measuring

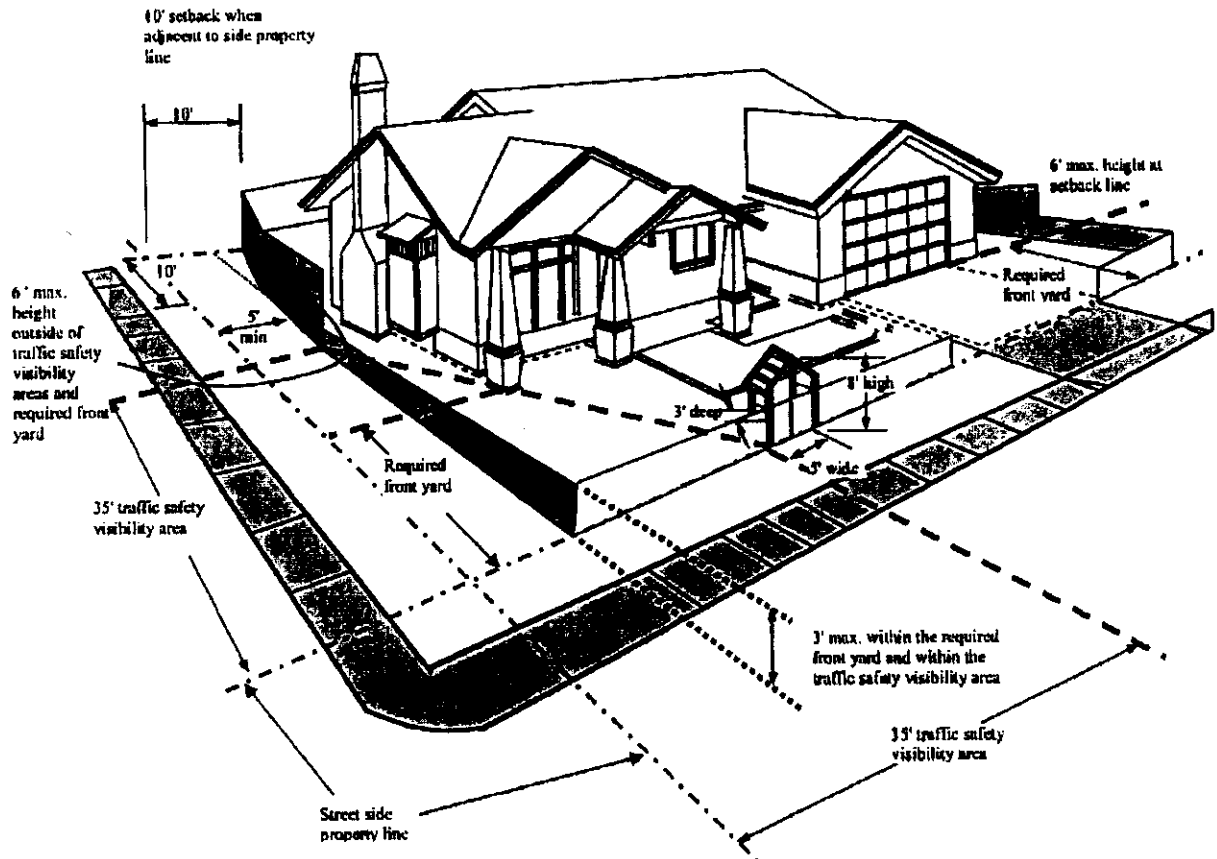
ten (10) feet from the intersection of the street side property line of the corner parcel and the side property line of the adjacent parcel along both property lines and then connecting the two (2) points across the corner parcel. See Figure 36.10-1.

**3. Governmental activities.** Activities of the city, state or an agency of the state, or the federal government on land owned or leased by a governmental agency.

**4. Irrigation.** The installation of irrigation lines.

**5. Interior remodeling.** Interior alterations that do not result in an increase in the number of rooms or the gross floor area within the structure, or a change in the permitted use of the structure.

**Figure 36.10-1**  
**FENCE AND WALL STANDARDS**  
**(For Reference Only)**



6. **Repairs and maintenance.** Ordinary repairs and maintenance, if the work does not result in any change in the approved land use of the site or structure, or the addition to, enlargement or expansion of the structure, and if any exterior repairs employ the same materials and design as the original.

7. **Retaining walls.** Retaining walls (retaining earth only) that result in grade changes of eighteen (18) inches or less and are not required by Chapter 8 of the City Code to have a grading permit.

8. **School facilities.** Public school facilities, in compliance with Government Code Sections 53091 et seq., except where a site is proposed to be occupied exclusively by non-classroom facilities.

9. **Single- and two-family dwellings.** The construction of four (4) or fewer single-family dwellings or two (2) duplexes and the remodeling of single-family or duplexes in the R1 and R2 zoning districts, provided that the proposed development is in compliance with all applicable provisions of this chapter, except as provided in Section A36.12.030.A.7 (Development Review Required, R1 Zone), Section A36.12.030.B.3 (Development Review Required, R2 Zone) and Section A36.12.030.C.4 (Development Review Required, R3 Zone).

10. **Solar collectors.** The addition of solar collection systems to the roofs of existing structures, provided that the collectors are located on ground level and screened from ground level public view or, if roof-mounted, are mounted at approximately the same angle as the roof.

11. **Spas, hot tubs, and fish ponds.** Spas, hot tubs, ponds, etc., that do not exceed one hundred twenty (120) square feet in total surface area, including related equipment, contain more than two thousand (2,000) gallons of water, or exceed three (3) feet in depth.

12. **Utilities.** The erection, construction, alteration, or maintenance by a public utility, public agency, or private company determined by the City to fulfill a public function of underground or overhead utilities (i.e., water, gas, electric, telecommunication, supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, etc.), but not including occupiable or storage structures, shall be permitted in any zoning district, provided that the route of any electrical transmission line(s) having the potential of fifty thousand (50,000) volts or more shall be subject to council review and approval prior to acquisition of rights-of-way.

13. **Antenna, Communication Facilities.** Communication facilities and antenna, as defined in Section A36.95.020, are allowed in all zoning districts subject to a Development Review Permit (Section A36.52) and shall comply with the development standards for the applicable district, except that they are prohibited on any R1 or R2 zoned property used primarily for a single-family residence. This section shall apply to any facility proposed within a city zoning district, including the City's rights-of-way. All of the aspects enumerated in Gov. Code 65850.6(b) (which include, but are not limited to, aesthetics, design, height, location, bulk and size) will be considered given the facts and circumstances of each proposed facility and its compatibility with the neighborhood and adjacent uses.

E. **Other permits may still be required.** A permitted land use that is exempt from a zoning permit, or has been granted a zoning permit may still be required to obtain other permits before the use is constructed or otherwise established and put into operation. Nothing in this section shall eliminate the need to obtain any permits or approvals required by other provisions of the City Code, including but not limited to building, grading or other construction permits if they are required by Chapter 8, a business license if

required by Chapter 18, hazardous materials storage permits if required by Chapter 24, subdivision approval if required by Chapter 28, or any other permit required by a regional, State or Federal agency. All necessary permits shall be obtained before starting work or establishing new uses. (Ord. No. 9.00, 5/9/00; Ord. No. 1.08, 4/8/08. Ord. No. 7.11, 4/26/11.)

#### **SEC. A36.10.040. Zoning district regulations—General.**

A. **Purpose.** Sections A36.12, A36.14, 36.8, 36.19, 36.20, 36.20A, 36.21, and 36.22 determine which land uses are allowed in each zoning district, what zoning permit is required to establish each use, and the basic development standards that apply to allowed land uses in each of the zoning districts established by Section A36.10.010 (Zoning Districts Established).

B. **Conflicts between provisions.** In the event of any conflict between the following zoning district regulations and other requirements of this chapter, the regulations more specific to the type of use or structure shall control.

C. **Single parcel in two zoning districts.** In the event two (2) or more parcels under different zone districts are proposed to be consolidated through the approval of a lot line adjustment, parcel or tentative map in compliance with Chapter 28 of the City Code (Subdivisions), resulting in a single parcel covered by two (2) or more zoning districts, an application to rezone the resulting parcel to a single zoning district shall be made prior to completion of the lot line adjustment, parcel or tentative map.

In the event that the consolidated single-zoned parcel would not result in greater neighborhood compatibility and a superior site layout, the decision-making body may allow a single parcel covered by two (2) or more zoning districts.

D. **Measurements, calculations.** Explanations of how height limits, site coverage requirements, and floor area ratios (FAR) apply to sites and projects are in the Zoning Calculations: Methods, Definitions and Clarifications pamphlet, in the Community Development Department.

E. **Compliance with this Chapter.** Except as otherwise provided in this Chapter: no building or part thereof or other structure shall be erected,

altered, added to or enlarged, nor shall any land, building, structure or premises be used, designated or intended to be used for any purpose, or in any manner other than is included among the uses hereinafter listed as permitted in the district in which such building, land or premises are located; and no building or part thereof or structure shall be erected, nor shall any existing building be altered, enlarged or rebuilt or moved into any



**SEC. A36.95. Definitions.**

**SEC. A36.95.010. Purpose.**

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the ordinance, and words used in the present tense include the future; the singular number shall include the plural, and the singular; the word "building" shall include the word "structure," the word "used" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used, and the word "shall" is mandatory and not directory. (Ord. No. 8.02, 5/28/02; Ord. No. 7.07, 9/25/07.)

**SEC. A36.95.020. Definitions of specialized terms and phrases.**

**Administrative office.** Offices and service facilities performing headquarters, regional or other organizational management and administrative services for firms and institutions.

**Accessory retail uses.** The retail sales of various products (including food) in a store or similar facility that is located within and an incidental part of a health-care, hotel, office or industrial complex for the purpose of serving employees or customers and is not visible from public streets. These uses include pharmacies, gift shops and food service establishments within hospitals; convenience stores and food service establishments within hotel, office and industrial complexes.

**Accessory use or structure.** A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building, including disaster storage containers when in conformance with the City of Mountain View Disaster Container Guidelines.

(a) Accessory structure, large. A detached structure that is intended primarily for storage, garage, recreational or living use but which is not a dwelling unit and which is limited in size to a maximum of five hundred (500) square feet.

(b) Accessory structure, small. A detached structure that is intended primarily for storage, garage or recreational use and is limited in size to a maximum of three hundred (300) square feet.

**Adult entertainment establishment.** "Adult entertainment establishment" means any facility or place of business primarily intended for the conduct, operation or transaction of activities intended for adult entertainment involving sexual matters such as, but not limited to, any adult bookstore, adult motion picture theater, adult cabaret or adult theater or any business at which videos of adult movies or films are sold or rented constitute over twenty (20) percent of the titles offered or over twenty (20) percent of actual display area of the store whichever is greater, regardless of whether any other use is also conducted on the premises. For the purposes of this chapter, the definitions of "Adult entertainment enterprise," "Adult bookstore," "Adult motion picture theater," "Adult cabaret" and "Adult theater" contained in Sec. 26.52 shall govern.

**Agent of owner.** Any person who can show written authority that he is acting for the property owner.

**Agriculture.** The use of the land for farming, pasturage, horticulture, floriculture, viticulture, apiaries and animal husbandry, and the necessary accessory uses for storing produce provided, however, that the operation of any such accessory use shall be incidental to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

**Alley or lane.** A public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property.

**Antennas, communications facilities.** Public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, cellular telephone and data

network communications, including commercial earth stations for satellite-based communications. Includes antennas, towers, commercial satellite dish antennas and equipment buildings. Does not include:

(a) Home television and radio receiving antennas, including noncommercial satellite dish antennas for home use, which are included under "Residential accessory uses."

(b) Telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections, with no wireless component(s), which are included under "Pipelines and utility lines."

**Apartment.** A dwelling unit in a multi-family building.

**Auto, mobile home, vehicle and parts sales.** Retail establishments selling and/or renting new and used automobiles, boats, vans, campers, trucks, mobile homes, recreational and utility trailers, motorized farm equipment, motorcycles, golf carts, snowmobile and jet skis (except bicycles and mopeds, which are included under "Retail stores, general merchandise"). Also includes stores selling new automobile parts, tires and accessories (does not include tire recapping establishments, which are found under "Repair and maintenance — vehicle"), as well as businesses dealing in used automobiles exclusively. May include an open lot for display of vehicles only. Does not include businesses dealing exclusively in used parts, which are included under "Recycling — scrap and dismantling yards." Includes repair shops only when part of a dealership selling new vehicles on the same site. Does not include "Service stations," which are separately defined.

**Automatic teller machine (ATM).** A machine used by bank and financial service patrons for conducting transactions, including deposits, withdrawals and fund transfers, without contact with financial institution personnel. The machines may be located at or within banks, or in other locations, in compliance with this chapter.

**Automobile repair, major.** All repair and servicing or maintenance work not provided for under "Automotive repair, minor," including, but not limited to, general repair, rebuilding or reconditioning of: (a) major vehicle components, such as engines, transmissions and differentials; (b) nonpassenger vehicles, motor homes or trailers and trucks exceeding one and one-half (1-½) ton capacity; or (c) body frame or fender components, including collision services, upholstery or painting or operations, including an open flame or welding.

**Automobile repair, minor.** The general servicing and maintenance of passenger cars and trucks not exceeding one and one-half (1-½) ton capacity. Such servicing may include, but is not limited to: (a) engine computer diagnosis and the repair or replacement of parts and gaskets external to the basic block, such as intake and exhaust manifolds, carburetors and water pumps; (b) the repair or replacement of worn or defective brake parts, clutch parts, mufflers, exhaust system parts, wheel bearings, shock absorbers, tires, batteries, spark plugs, air conditioning, electrical system and other accessible minor parts; and (c) maintenance work such as the changing or supplementing of vehicle fluids and the adjustment of mechanical components while on the vehicle. "Automotive repair, minor" shall not include any of the activities listed as "Automotive repair, major."

**Automobile wrecking.** The dismantling or disassembling of motor vehicles or trailers; or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles, or their parts.

**Banks and financial services.** Financial institutions, including banks and trust companies; lending and thrift institutions, credit agencies; brokers and dealers in securities and commodity contracts; security and commodity exchanges; holding (but not predominantly operating) companies; and other investment companies; vehicle finance (equity) leasing agencies. See also "Automatic teller machine."

ORDINANCE NO.

AN ORDINANCE AMENDING SECTIONS OF CHAPTER 36 OF THE MOUNTAIN  
VIEW CITY CODE RELATED TO A HEIGHT EXCEPTION FOR  
TELECOMMUNICATION FACILITIES ON UTILITY POLES

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY ORDAIN  
AS FOLLOWS:

Section 1. Section 36.40.1 of Chapter 36 of the Mountain View City Code is hereby  
amended to read as follows:

**"SEC. 36.40.1. Height limits.**

Height limitations set forth elsewhere in this ordinance shall not apply to:

(a) Barns, silos, water towers or tanks, windmills, or other farm buildings or structures on farms, provided these are not less than fifty (50) feet from every lot line; church spires, belfries, cupolas and domes; smokestacks; flag poles; elevator penthouses; cooling towers; grain elevators; parapet walls extending not more than four (4) feet above the limiting height of the building; outdoor theater screens, provided said screens contain no advertising matter other than the name of the theater.

(b) Places of public assembly in churches, schools and other permitted public and semi-public buildings, provided that these are not more than one story in height, and provided that for each one (1) foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.

(c) Other structures where the manufacturing process requires a greater height, provided, however, that all such structures above the heights otherwise permitted in the district shall not occupy more than twenty-five (25) percent of the area of the lot and shall be distant not less than twenty-five (25) feet in all parts from every lot line not a street lot line.

(d) Antennas and communication facilities on utility poles, utility towers, and light standards in all zoning districts, including the city's rights-of-way, provided:

(1) the applicant submits a development review permit and goes through the review process pursuant to Section A36.52;

(2) the applicant submits a description of the efforts made to consider alternative sites and demonstrates the proposal for the facility, including all associated equipment (whether or not installed by the applicant), is the least intrusive alternative;

(3) the proposed height exception is proven, by the applicant, to be the minimum amount of additional height needed to address a significant gap in coverage;

(4) the proposed extension and other changes to the pole or equipment are proven, by the applicant, to be structurally sound and safe; and

(5) equipment associated with the facility does not impede pedestrian or vehicular accessibility along any public or private pathways, sidewalks, driveways or roadways, visually impede any safe use of the same, or otherwise present a hazard to pedestrian or vehicular use of the same."

Section 2. Section A36.10.030 of Chapter 36 of the Mountain View City Code is hereby amended to read as follows:

**"SEC. A36.10.030. Allowable land uses and permit requirements.**

A. Restriction on new land uses. No use of land or structures shall be established, constructed, reconstructed, altered, allowed or replaced unless:

1. The land use is identified by Section A36.12 (residential zones), A36.14 (commercial zones), 36.19 and 36.20 (industrial zones) or 36.8, 36.20A, 36.21, 36.22 or 36.26 (special purpose zones) as being allowable in the zoning district applied to the site;

2. Any zoning permit required by this chapter is obtained before the proposed use is constructed, otherwise established or put into operation, unless the proposed use is listed in following Subsection (c), Exemptions from land use permit requirements. The zoning permit requirements of this article are established by Section A36.12 (residential zones), A36.14 (commercial zones), 36.19 and 36.20 (industrial zones) or 36.8, 36.20A, 36.21, 36.22 or 36.26 (special purpose zones).

In determining whether to grant a zoning permit, the reviewing authority, as specified in Section A36.50, shall consider an analysis of the fiscal impacts of the development covered by any application involving two (2) or more acres of land that proposes to change the allowed type or quantity of development or change the allowed land uses. The fiscal analysis shall, at the minimum, evaluate the change in revenues paid to the city by the uses or development proposed to be allowed compared to the uses or development currently permitted. The fiscal analysis may be expanded to cover additional detail or the fiscal impact on other agencies if the basic analysis indicates that the potential fiscal impacts may have a significant impact on the city or

other agencies. If the reviewing authority, established by Section A36.50, is other than the city council, any project application with a potentially adverse fiscal impact shall be referred to the city council for final action on the zoning permit;

3. The use is in compliance with all other applicable requirements of this chapter including, but not limited to, the development standards of this section; and

4. The use is in compliance with any applicable site design conditions imposed by previous land use approvals.

B. Determination of allowable land uses. Any questions about whether a proposed land use is allowed in a particular zoning district by Section A36.12.020, A36.14.020, 36.8, 36.19, 36.20, 36.20A, 36.21, 36.22, 36.26 (residential, commercial, industrial and special purpose zone land uses and permit requirements), shall be resolved by the zoning administrator in compliance with Section A36.90.020 (procedures for interpretation), except that land uses listed, as specifically defined in this chapter, and on the tables in a particular zoning district(s) shall only be allowed in the specific zoning district(s) in which it is listed. Such uses can only be allowed in other zoning district(s) upon approval of a text amendment as provided by Section A36.74 (zoning amendment). These uses cannot be named as similar uses as determined by the zoning administrator through the conditional use permit process or Section A36.90.020 (procedures for interpretation). Land uses that are not listed on the tables are not allowed, except where otherwise provided by Section A36.10.030.B (determination of allowable land uses) or D (exemptions from zoning permit requirements).

C. Temporary uses. Requirements for establishing a temporary use are in Section A36.54 (temporary use permits).

D. Exemptions from zoning permit requirements. The zoning permit requirements of this article do not apply to the following activities, land uses and structures, which are permitted in all zoning districts.

1. Accessory structures with less than one hundred twenty (120) square feet in floor area. One-story detached structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed one hundred twenty (120) square feet, and the structure is not required to have building or grading permits by Chapter 8 (building code section) of the city code. However, the floor area shall count toward the allowed floor area for the parcel.

2. Decks, paths and driveways. Decks, platforms, on-site paths, and driveways that are not required to have building or grading permits by Chapter 8 (building code section) of the city code, and are not over eighteen (18) inches above natural grade and not over any basement or story below.

3. Fences—R1 and R2 Zoning Districts. The following types of fences in the R1 and R2 zoning districts are exempt from zoning permit requirements. Allowed fence heights and locations are illustrated in Figure 36.10-1 (Fence and Wall Standards).

a. Interior lots. Fences up to three (3) feet in height when located within the required front yard, or up to six (6) feet in height located on rear or side property lines outside the required front yard, and entry features over front yard gates (e.g., open-latticed arbors and trellises) not exceeding eight (8) feet in height, three (3) feet in depth or five (5) feet in width, when located within the required front yard.

b. Corner lots.

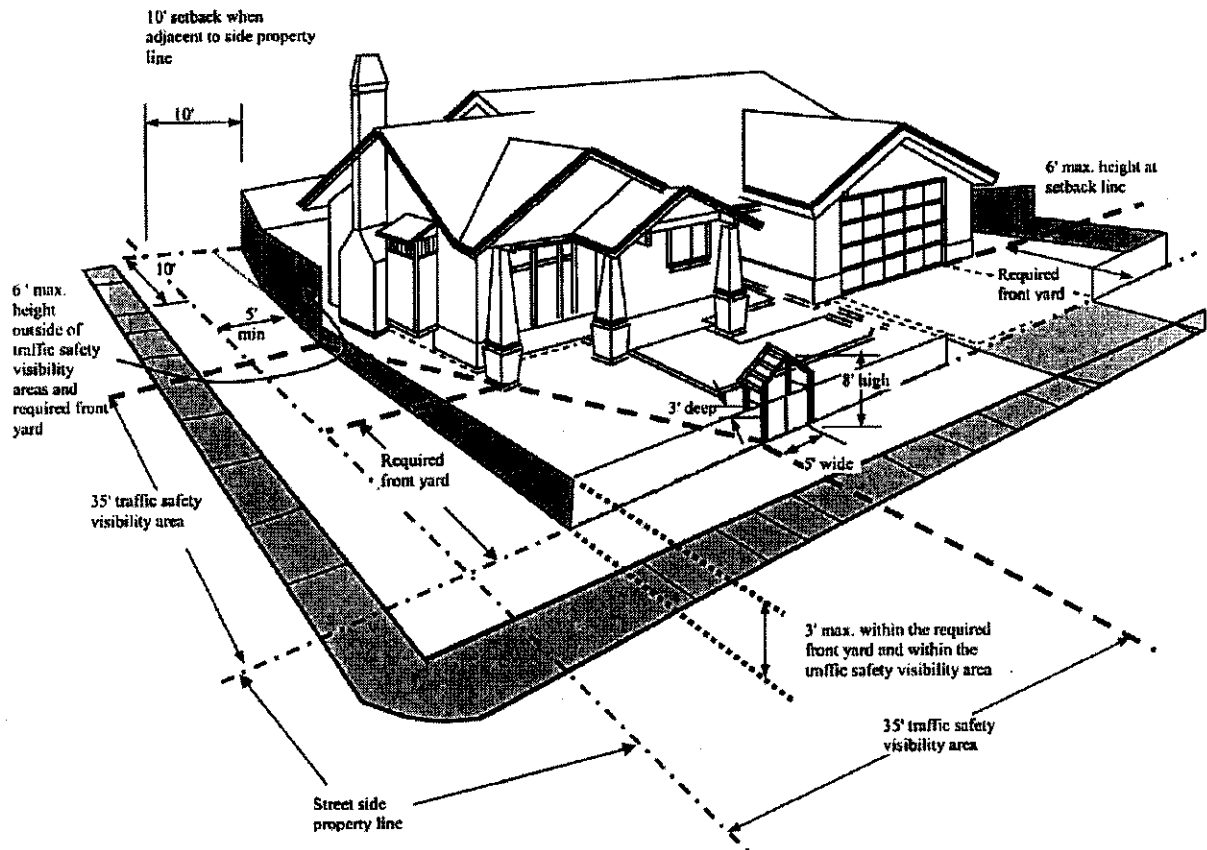
(1) Fences up to three (3) feet in height within the required setbacks;

(2) Entry features over front yard gates (e.g., open-latticed arbors and trellises), not exceeding eight (8) feet in height, three (3) feet in depth or five (5) feet in width, when located within the required front yard but outside the traffic safety visibility areas; and

(3) Fences up to six (6) feet in height located on rear and side property lines outside the required front yard and traffic safety visibility areas, and at least five (5) feet from the street side property line. Further, fences over three (3) feet in height adjacent to the side street property line shall be set back where the side street fence approaches an adjacent lot's front yard in order to create a triangular traffic safety visibility area for the adjacent lot. This triangle is formed by measuring ten (10) feet from the intersection of the street side property line of the corner parcel and the side property line of the adjacent parcel along both property lines and then connecting the two (2) points across the corner parcel. See Figure 36.10-1.

Figure 36.10-1

# FENCE AND WALL STANDARDS (For Reference Only)



4. Governmental activities. Activities of the city, state or an agency of the state, or the federal government on land owned or leased by a governmental agency.

5. Irrigation. The installation of irrigation lines.

6. Interior remodeling. Interior alterations that do not result in an increase in the number of rooms or the gross floor area within the structure, or a change in the permitted use of the structure.

7. Repairs and maintenance. Ordinary repairs and maintenance, if the work does not result in any change in the approved land use of the site or structure, or the addition to, enlargement or expansion of the structure, and if any exterior repairs employ the same materials and design as the original.

8. Retaining walls. Retaining walls (retaining earth only) that result in grade changes of eighteen (18) inches or less and are not required by Chapter 8 of the city code to have a grading permit.

9. School facilities. Public school facilities, in compliance with Government Code Sections 53091, *et seq.*, except where a site is proposed to be occupied exclusively by nonclassroom facilities.

10. Single- and two-family dwellings. The construction of four (4) or fewer single-family dwellings or two (2) duplexes and the remodeling of single-family or duplexes in the R1 and R2 zoning districts, provided that the proposed development is in compliance with all applicable provisions of this chapter, except as provided in Section A36.12.030.A.7 (Development Review Required, R1 Zone), Section A36.12.030.B.3 (Development Review Required, R2 Zone) and Section A36.12.030.C.4 (Development Review Required, R3 Zone).

11. Solar collectors. The addition of solar collection systems to the roofs of existing structures, provided that the collectors are located on ground level and screened from ground level public view or, if roof-mounted, are mounted at approximately the same angle as the roof.

12. Spas, hot tubs, and fish ponds. Spas, hot tubs, ponds, etc., that do not exceed one hundred twenty (120) square feet in total surface area, including related equipment, contain more than two thousand (2,000) gallons of water, or exceed three (3) feet in depth.

13. Utilities. The erection, construction, alteration or maintenance by a public utility, public agency, or private company determined by the city to fulfill a public function of underground or overhead utilities (i.e., water, gas, electric, telecommunication, supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, etc.), but not including occupiable or storage structures, shall be permitted in any zoning district, provided that the route of any electrical transmission line(s) having the potential of fifty thousand (50,000) volts or more shall be subject to council review and approval prior to acquisition of rights-of-way.

14. Antenna, communication facilities. Communication facilities and antenna, as defined in Section A36.95.020, are allowed in all zoning districts subject to a development review permit (Section A36.52) and shall comply with the development standards for the applicable district, except that they are prohibited on any R1 or R2 zoned property used primarily for a single-family residence. This section shall apply to any facility proposed within a city zoning district, including the city's rights-of-way. All of the aspects enumerated in Government Code 65850.6(b) (which include, but are not limited to, aesthetics, design, height, location, bulk and size) will be considered



given the facts and circumstances of each proposed facility and its compatibility with the neighborhood and adjacent uses.

E. Other permits may still be required. A permitted land use that is exempt from a zoning permit, or has been granted a zoning permit may still be required to obtain other permits before the use is constructed or otherwise established and put into operation. Nothing in this Section shall eliminate the need to obtain any permits or approvals required by other provisions of the city code including, but not limited to, building, grading or other construction permits if they are required by Chapter 8, a business license if required by Chapter 18, hazardous materials storage permits if required by Chapter 24, subdivision approval if required by Chapter 28, or any other permit required by a regional, state or federal agency. All necessary permits shall be obtained before starting work or establishing new uses."

Section 3. Section A36.95.020 of Chapter 36 of the Mountain View City Code is hereby amended to read as follows:

**"SEC. A36.95.020. Definitions of specialized terms and phrases.**

Administrative office. Offices and service facilities performing headquarters, regional or other organizational management and administrative services for firms and institutions.

Accessory retail uses. The retail sales of various products (including food) in a store or similar facility that is located within and an incidental part of a health-care, hotel, office or industrial complex for the purpose of serving employees or customers and is not visible from public streets. These uses include pharmacies, gift shops and food service establishments within hospitals; convenience stores and food service establishments within hotel, office and industrial complexes.

Accessory use or structure. A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building, including disaster storage containers when in conformance with the city of Mountain View Disaster Container Guidelines.

(a) Accessory structure, large. A detached structure that is intended primarily for storage, garage, recreational or living use but which is not a dwelling unit and which is limited in size to a maximum of five hundred (500) square feet.

(b) Accessory structure, small. A detached structure that is intended primarily for storage, garage or recreational use and is limited in size to a maximum of three hundred (300) square feet.

Adult entertainment establishment. "Adult entertainment establishment" means any facility or place of business primarily intended for the conduct, operation or transaction of activities intended for adult entertainment involving sexual matters such as, but not limited to, any adult bookstore, adult motion picture theater, adult cabaret or adult theater or any business at which videos of adult movies or films are sold or rented constitute over twenty (20) percent of the titles offered or over twenty (20) percent of actual display area of the store whichever is greater, regardless of whether any other use is also conducted on the premises. For the purposes of this chapter, the definitions of "Adult entertainment enterprise," "Adult bookstore," "Adult motion picture theater," "Adult cabaret" and "Adult theater" contained in Section 26.52 shall govern.

Agent of owner. Any person who can show written authority that he is acting for the property owner.

Agriculture. The use of the land for farming, pasturage, horticulture, floriculture, viticulture, apiaries and animal husbandry, and the necessary accessory uses for storing produce provided, however, that the operation of any such accessory use shall be incidental to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

Alley or lane. A public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property.

Antennas, communications facilities. Public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, cellular telephone and data network communications, including commercial earth stations for satellite-based communications. Includes antennas, towers, commercial satellite dish antennas and equipment buildings. Does not include:

(a) Home television and radio receiving antennas, including noncommercial satellite dish antennas for home use, which are included under "Residential accessory uses."

(b) Telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections with no wireless component(s), which are included under "Pipelines and utility lines."

Apartment. A dwelling unit in a multi-family building.

Auto, mobile home, vehicle and parts sales. Retail establishments selling and/or renting new and used automobiles, boats, vans, campers, trucks, mobile homes, recreational and utility trailers, motorized farm equipment, motorcycles, golf carts,

snowmobile and jet skis (except bicycles and mopeds, which are included under "Retail stores, general merchandise"). Also includes stores selling new automobile parts, tires and accessories (does not include tire recapping establishments, which are found under "Repair and maintenance—vehicle"), as well as businesses dealing in used automobiles exclusively. May include an open lot for display of vehicles only. Does not include businesses dealing exclusively in used parts, which are included under "Recycling—scrap and dismantling yards." Includes repair shops only when part of a dealership selling new vehicles on the same site. Does not include "Service stations," which are separately defined.

Automatic teller machine (ATM). A machine used by bank and financial service patrons for conducting transactions, including deposits, withdrawals and fund transfers, without contact with financial institution personnel. The machines may be located at or within banks, or in other locations, in compliance with this chapter.

Automobile repair, major. All repair and servicing or maintenance work not provided for under "Automotive repair, minor," including, but not limited to, general repair, rebuilding or reconditioning of: (a) major vehicle components, such as engines, transmissions and differentials; (b) nonpassenger vehicles, motor homes or trailers and trucks exceeding one and one-half (1-½) ton capacity; or (c) body frame or fender components, including collision services, upholstery or painting or operations, including an open flame or welding.

Automobile repair, minor. The general servicing and maintenance of passenger cars and trucks not exceeding one and one-half (1-½) ton capacity. Such servicing may include, but is not limited to: (a) engine computer diagnosis and the repair or replacement of parts and gaskets external to the basic block, such as intake and exhaust manifolds, carburetors and water pumps; (b) the repair or replacement of worn or defective brake parts, clutch parts, mufflers, exhaust system parts, wheel bearings, shock absorbers, tires, batteries, spark plugs, air conditioning, electrical system and other accessible minor parts; and (c) maintenance work such as the changing or supplementing of vehicle fluids and the adjustment of mechanical components while on the vehicle. "Automotive repair, minor" shall not include any of the activities listed as "Automotive repair, major."

Automobile wrecking. The dismantling or disassembling of motor vehicles or trailers; or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles, or their parts.

Banks and financial services. Financial institutions, including banks and trust companies; lending and thrift institutions, credit agencies; brokers and dealers in securities and commodity contracts; security and commodity exchanges; holding (but not predominantly operating) companies; and other investment companies; vehicle finance (equity) leasing agencies. See also "Automatic teller machine."

**Bars and drinking places.** A building or tenant space within a building where alcoholic beverages are sold for on-site consumption, which is not part of a larger restaurant. Includes bars, taverns, pubs and similar establishments where any food service is subordinate to the sale of alcohol. May include entertainment such as live music and/or dancing if specifically permitted.

**Boarding or lodging house.** A dwelling or part thereof, other than a hotel or motel, where lodging with or without meals is provided for compensation for three (3) or more persons; or a dwelling unit accommodating six (6) or more unrelated persons living together as a housekeeping unit.

**Boat yard.** A place where boats are constructed, dismantled, stored, serviced or repaired, including maintenance work thereon.

**Building.** Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.

**Building lot.** A lot occupied or intended to be occupied by a principal building or group of such buildings and accessory buildings, together with such open spaces as are required by this chapter, and having a required frontage on a street; or a planned unit development approved by the zoning administrator under the provisions of Section A36.58 of this chapter.

**Building, main.** A building in which is conducted the principal use of the building site on which it is situated.

**Building material stores.** Primarily indoor retail establishments selling lumber and other large building materials and also including paint, wallpaper, glass, fixtures, nursery stock, lawn and garden supplies (which may also be sold in hardware stores, included under the definition of "Retail stores, general merchandise"). Includes all such stores selling to the general public, even if contractor sales account for a larger proportion of total sales. Includes incidental retail ready-mix concrete operations, except where excluded by a specific zoning district. Establishments primarily selling electrical, plumbing, heating, air conditioning equipment and supplies to contractors or to other wholesalers are classified in "Wholesaling and distribution."

**Business support services.** Establishments primarily within buildings providing other businesses with services, including maintenance, repair and service, testing, rental, etc., also includes:

- business equipment repair services (except vehicle repair, see "Repair and maintenance—vehicle")

- commercial art and design (production)
- computer-related services (rental, repair)
- copying, quick printing and blueprinting services
- equipment rental businesses within buildings (rental yards are "Storage yards and sales lots")
- film processing laboratories
- heavy equipment repair services where repair occurs on the client site
- janitorial services
- mail advertising services (reproduction and shipping)
- other "heavy service" business services
- outdoor advertising services
- photocopying
- photofinishing
- protective services (other than office related)
- soils and materials testing laboratories
- window cleaning.

Camp car. A vehicle with or without motive power that is designed or used for human habitation.

Camper. A structure intended for human habitation that is designed to be carried in the cargo space of a separate motor vehicle when in use.

Cemeteries, columbariums and mortuaries. Internment establishments engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. Includes animal cemeteries; cemetery, mausoleum, crematorium and columbarium operations; and full-service funeral parlors, whether accessory to or separate from a cemetery or columbarium.

Child-care facilities. A facility that provides care and supervision of minor children for periods of less than twenty-four (24) hours. Child-care facilities include small-family child-care homes, large-family child-care homes and child-care centers. Child-care facilities are required to be licensed by the California State Department of Social Services.

(a) Small-family child-care home. A child-care facility located in a residence where an occupant of the residence provides care and supervision for up to six (6) children for periods of less than twenty-four (24) hours per day. Children under the age of ten (10) years who reside at the residence are counted in the six (6) children maximum for small-family child-care homes.

(b) Large-family child-care home. A child-care facility located in a residence where an occupant of the residence provides care and supervision of seven (7) to fourteen (14) children for periods of less than twenty-four (24) hours. Children under the age of ten (10) years who reside in the residence are included in the number of children served by the large-family child-care home.

(c) Child-care centers. A commercial or nonprofit facility that provides care and supervision of minor children for periods of less than twenty-four (24) hours. This includes infant centers, preschools, sick-child centers and school-age child-care facilities but does not include small- and large-family child-care homes. Child-care centers may be operated in conjunction with a school or church facility or as an independent land use.

Churches. Religious organization facilities operated for worship or promotion of religious activities, including churches and religious Sunday-type schools; and accessory uses on the same site, such as living quarters for ministers and staff, and child day-care facilities where authorized by the same type of land use permit required for the church itself. Other establishments maintained by religious organizations, such as full-time educational institutions, hospitals and other potentially related operations (such as a recreational camp), are classified according to their respective activities.

City council. The city council of the city of Mountain View, California.

Commercial coach. A vehicle, other than motor vehicle, designed or used for human habitation, or human occupancy for industrial, professional or commercial purposes, for carrying persons and property on its own structure, and for being drawn by a motor vehicle.

Commission or planning commission. The environmental planning commission of the city of Mountain View, California.

Community center. Multi-purpose meeting, banquet and recreational facilities typically consisting of one (1) or more meeting or multi-purpose rooms, kitchen and/or outdoor barbecue facilities, that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

Community development director. The director of the community development department of the city of Mountain View.

Community service organization. Any organization, group, society, corporation, institution or other entity, organized solely for religious, charitable, educational, scientific or literary purposes, no part of the net earning of which benefits any private stockholder or individual.

Construction contractors. Storage yard operated by, or on behalf of, a contractor licensed by the state of California for storage of large equipment, vehicles or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as offices and repair facilities.

Convalescent hospital. See "Medical services—extended care."

Court. An open unoccupied space, other than a yard, on the same lot with a building or group of buildings.

Crop and tree farming. The use of land for horticultural uses.

Disaster storage container. An independent self-contained storage container which conforms to the city of Mountain View Disaster Storage Container Guidelines for the sole purpose of storing disaster supplies, such as water, food, blankets, cots and emergency medical and rescue supplies, inspected and regulated by the city of Mountain View fire department, office of emergency services.

District. A portion of the territory of the city of Mountain View within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this chapter. Also known as a "zoning district".

(a) Where certain uses are required to be a specified distance from "any R district" as provided in this chapter, the term "any R district" shall include any R1, R2, R3, R4 or RMH district, or any A district or portion thereof designated for future residential uses in the Mountain View general plan.

(b) The term "any C district" shall include any CN, CS, CO, CRA district.

(c) The term "any M district" shall include any ML or MM district.

Drive-in and drive-through sales. Facilities where food or other products may be purchased by motorists without leaving their vehicles. Such facilities include fast-food restaurants, drive-through dairies, etc.

Drive-in and drive-through services. Facilities where services may be obtained by motorists without leaving their vehicles. Such facilities include drive-up teller windows in banks, etc. Does not include: automatic teller machines (ATMs) or service stations, which are separately defined, or car washes, which are included in the definition of "Repair and maintenance—vehicle."

Duplex. A detached structure under single ownership containing two (2) dwellings.

Dwelling group. A group of three (3) or more detached dwellings having any yard or court in common.

Dwelling or dwelling unit. A room or group of internally connected rooms that have sleeping, cooking, eating and sanitation facilities, but not more than one (1) kitchen, which constitutes an independent housekeeping unit, occupied by or intended for one (1) household on a long-term basis. Types of dwellings include single-family dwellings, duplexes, multiple-family dwellings, mobile homes and townhouses, all of which are separately defined.

Efficiency studio. An efficiency studio is a commercial facility where individual secure rooms with a minimum size of one hundred fifty (150) square feet and a maximum size, excluding the manager's unit, of four hundred (400) square feet are rented to a one- (1) or two- (2) person household for a weekly or monthly period of time. Efficiency studio developments are characterized by having a single point of ingress for tenants which is staffed twenty-four (24) hours a day. No external entryways to individual units are allowed.

Extremely hazardous materials. Materials that are extremely toxic and listed in the Code of Federal Regulations, Title 40, Chapter I, Subchapter J, Part 355, "Emergency Planning and Notification," Appendix A (as referenced in California Health and Safety Code, Division 20, Chapter 6.95, Article 2, Section 25532) and that exceed the following thresholds for the total quantity of materials within the facility for any of the following extremely hazardous materials:

(a) Extremely hazardous gases or liquids that act as a gas upon release at normal temperature and pressure (70°F and 760 mm Hg) as specified in the city of Mountain View toxic gas ordinance, Chapter 24, Mountain View City Code;



(b) Extremely hazardous liquids (not included in the previous definition) that are at or above the threshold planning quantity (TPQ) as described in the Code of Federal Regulations, Title 40, Part 355, Appendix A, for any single extremely hazardous material; and

(c) Extremely hazardous solids that are at or above the TPQ as described in the Code of Federal Regulations, Title 40, Part 355, Appendix A. When two (2) TPQs are listed, the lower TPQ applies to solids in powder form (particle size less than one hundred (100) microns, or handled/stored in solution or molten form, or meets the NEPA criteria of 2, 3, or 4 reactivity).

Filling station or automobile service station. A building or lot having pumps and storage tanks where fuels, oils or accessories for motor vehicles are dispensed, sold or offered for sale at retail only, repair service is incidental and no storage or parking space is offered for rent.

Flag lot. An interior lot which is located behind another lot and which has access to a public street by means of a narrow driveway or flag "pole," which is a part of the flag lot.

Floor area ratio (FAR). The ratio of gross floor area to lot area.

Food products (land use). Manufacturing establishments producing or processing foods and beverages for human consumption and certain related products. Includes:

(a) Bakery products, sugar and confectionery products (except facilities that produce baked goods only for on-site sales with no wider distribution which are included under "Retail stores, general merchandise");

(b) Beverage and liquor production (except in wineries, which are included under "Ag processing"; and beer brewing as part of a brew pub, bar or restaurant, which are included under "Bars");

(c) The bottling, canning, preserving and related processing of products for human consumption, but not including animal slaughtering or rendering; and

(d) Miscellaneous food preparation from raw products, including catering services that are independent from food stores or restaurants.

(Operations on crops after harvest are included under "Agricultural processing uses," Page V-1).

Frontage, building or occupancy. The length of that portion of a building or ground-floor occupancy which abuts a street, publicly used parking area or mall appurtenant to said building or occupancy expressed in lineal feet and fractions thereof.

Frontage, lot. The length of that portion of a lot which abuts a street expressed in lineal feet and fraction thereof.

Fuel and ice dealers. Retail trade establishments primarily engaged in the sale to consumers of ice, bottled water, fuel oil, butane, propane and liquefied petroleum gas (LPG), bottled or in bulk, as a principal use.

Furniture and fixtures. Manufacturers producing: wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture and public building furniture and partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. Includes wood and cabinet shops, but not sawmills or planing mills, which are instead included under "Lumber and wood products."

Furniture, furnishings and home equipment stores. Stores primarily selling: home furnishings such as furniture, floor coverings, draperies, glass and chinaware, stoves, refrigerators, other household electrical and gas appliances, including televisions and home sound systems; and outdoor furniture, such as lawn furniture, movable spas and hot tubs. Also includes the retail sale of office furniture and large musical instruments.

Garage or carport. A permanently constructed building, available for the parking of a motor vehicle, with covered roof, having inside dimensions not less than nine (9) feet wide and twenty (20) feet long with necessary paved area for access.

Grade. The lowest point of the elevation of the finished surface of the ground between the exterior wall of a building and a point five (5) feet distant from said wall.

Gross floor area. The floor area enclosed within the walls of a building and measured from the outside perimeter of said walls, expressed in square feet and fractions thereof.

Habitable trailer. A generic term for any of those vehicles for human habitation which are designed to be mobile but which do not contain their own motive power. See definitions for "Camp car," "Mobile home," "Trailer coach" and "Travel trailer."

Height of building, nonresidential. The vertical distance from the elevation of the top of the existing or planned curb along the front property line to the highest point of the coping of a flat roof or to the top of the slope of a mansard roof or the mean height level between the eaves and ridge for gable, hip or gambrel roofs.

Height of building, residential. The vertical distance from the elevation of the top of the existing or planned curb along the front property line to the highest point of the coping of a flat roof or to the top of the slope of a mansard roof or the ridge for gable, hip or gambrel roofs, excluding chimneys or vents.

Height of wall, nonresidential. The vertical distance from the grade along a given wall to the highest point of the coping of a flat roof or to the top of the slope of a mansard roof or to the mean height level between eaves and ridge for gable, hip or gambrel roof.

Height of wall, residential. The vertical distance from the grade along a given wall to the wall plate.

Highly sensitive uses. A facility that is principally intended to be occupied by more than twelve (12) children under the age of thirteen (13) years, or more than six (6) nonambulatory, physically disabled or mentally impaired senior citizens, and other similar facilities with populations which would be difficult to evacuate in the event of an unauthorized release or discharge of an extremely hazardous material and who are physiologically more sensitive to exposure to toxic materials than the general population.

Home occupation. A use conducted entirely within a building, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and which complies with the conditions of Section A36.42.110.

Hospital. See "Medical services—hospitals."

Hotels and motels. Guest rooms or suites, provided with or without meals or kitchen facilities, rented to the general public for overnight or other temporary lodging (less than thirty (30) days). Hotels provide access to most guest rooms from an interior walkway. Motels provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, restaurants and meetings rooms, etc.

Illumination, indirect. Illumination from sources concealed behind opaque surfaces, including, but not limited to, concealed flood lighting, remote source lighting, recessed cove lighting and reverse pan channel sign letters.

Illumination, interior. Illumination from behind a translucent surface.

Illumination, light source. Illumination from visible light sources, including, but not limited to, exposed neon tubing or exposed incandescent or fluorescent lamps.

Indoor recreation and fitness centers. Primarily indoor establishments providing amusement, entertainment or physical fitness services for a fee or admission charge, including: arcades containing coin-operated amusements and/or electronic games (five (5) or more such games or coin-operated amusements in any establishment are considered an arcade as defined herein; four (4) or less are not considered a land use separate from the primary use of the site); card rooms; bowling alleys; ice skating and roller skating; dance halls, clubs and ballrooms that are principal uses rather than being subordinate to a bar or restaurant; fitness centers, gymnasiums, health and athletic clubs, including indoor sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, archery and shooting ranges; and other indoor sports activities. Does not include billiard rooms, which are separately defined.

Junkyard. A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operative condition, or salvaged materials incidental to manufacturing operations.

Kennel. Shall mean any building, structure, enclosure or premises where upon or within which four (4) or more dogs or cats are kept for any reason or purpose whatsoever. The term shall not include dogs or cats less than four (4) months of age.

Laundries and dry cleaning plants. Service establishments primarily engaged in high-volume laundry (serving multiple locations) and garment services, including: power laundries (family and commercial); garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; carpet and upholstery cleaners. Does not include coin-operated laundries or dry cleaners (which includes self-contained facilities with dry-cleaning equipment serving the specific location only) which are classified in "Personal services."

Lot. A parcel of land used or capable of being used under the regulations of this chapter, lawfully created as such in accordance with the subdivision laws or ordinances in effect at the time of its creation.

Lot area. The computed area contained within the lot lines, said area to be exclusive of street rights-of-way, but including portions held in fee title in the same ownership which may have easements for such purposes as utilities or flood control channels. The area of new public streets dedicated as part of a project shall be included in the calculation of lot area as part of a planned unit development or planned community, or as determined by the subdivision committee or city council.

Lot, corner. A lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees within the lot lines.

Lot, coverage. That percentage of the total lot area covered by structures as herein defined.

Lot, depth. The mean horizontal distance between the front and the rear lot lines.

Lot, key. A lot to the rear of a corner lot, the front of which is substantially a continuation of the side property line of the corner lot.

Lot line, front. The front lot line on a corner lot shall be the line with the shortest frontage unless, at the time of development, the longer frontage is designated by the owner to be the front. When a lot runs through from one (1) street to another, both lot lines shall be construed to be front lot lines, and the lot may have no rear lot line.

Lot lines. The property lines bounding the lot.

Lot width. The mean horizontal distance between the side lot lines measured within the lot boundaries or the mean distance between the side lot lines within the buildable area.

Low-income and very low-income household. "Low-income" means any household whose income is fifty (50) to eighty (80) percent of the median household income for Santa Clara county, and as adjusted for family size. "Very low-income" means any household whose income is less than fifty (50) percent of the median income for the Santa Clara county, and as adjusted for family size. Housing affordable to low-income and very low-income persons is where the total monthly housing cost does not exceed thirty (30) percent of the gross household income.

Medical offices. See "Medical services—clinics and laboratories."

Medical services—clinics and laboratories. Facilities primarily engaged in furnishing outpatient medical, mental health, surgical and other personal health services. Such facilities include: medical, dental and psychiatric offices (counseling services by other than medical doctors or psychiatrists are included under "Offices"); medical and dental laboratories; outpatient care facilities; and allied health services. Associations or groups primarily engaged in providing medical or other health services to members are included. Small-scale clinics include no more than two (2) separate health-care businesses (i.e., two (2) separate doctors' offices not sharing reception/waiting facilities). Large-scale clinics include three (3) or more health-care businesses, and may also include accessory retail pharmacies.

Medical services—extended care. Residential facilities providing nursing and health-related care as a principal use with inpatient beds, such as: skilled nursing facilities (facilities allowing care for physically or mentally disabled persons, where care is less than that provided by an acute care facility); extended care facilities; convalescent and rest homes; board and care homes. Long-term personal care facilities that do not emphasize medical treatment are classified in "Residential care homes."

Medical services—hospitals. Hospitals and similar establishments primarily engaged in providing diagnostic services, extensive medical treatment, including surgical and other hospital services; such establishments have an organized medical staff, inpatient beds and equipment and facilities to provide complete health care. May include accessory retail uses (see the separate definition of "Accessory retail uses," and emergency heliports).

Meeting halls. Facilities that may be rented for public assembly.

Membership organization facilities and meeting halls. Permanent, headquarters-type and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for: business associations; professional membership organizations; labor unions and similar organizations; civic, social and fraternal organizations (not including lodging); political organizations; country clubs (golf courses treated as a separate land use); and other membership organizations.

Mixed-use development. The development of a site or structure with two (2) or more different land uses, including a combination of residential, office, retail, public, manufacturing or entertainment in a single or physically integrated group of structures.

Mobile home. A vehicle, other than a motor vehicle, designed or used for human habitation, for carrying persons and property on its own structure, and for being drawn by a motor vehicle.

Mobile home lot. A prepared plot of land within a mobile home park used or designed to be occupied by one (1) and only one (1) mobile home and its accessory structures.

Mobile home park. Any place, area or tract of land upon which one (1) or more trailers are used for human habitation for either sleeping or living, irrespective of whether or not rent is charged for such accommodation.

Motel, including hotel and motor hotel. A building or group of buildings comprising individual sleeping or living units for the accommodation of transient guests for compensation.

Mountain View general plan. The general plan for the city of Mountain View, California, as amended, prepared in accordance with California Government Code Article 6: Preparation, adoption and amendment of the general plan.

Multiple-family development. Multiple-family development includes a building, a group of buildings or a portion of a building used and/or designed as dwellings for three (3) or more families living independently of each other. Includes: triplexes and fourplexes (buildings under one (1) ownership with three (3) or four (4) dwelling units in the same building) and apartments (five (5) or more units under one (1) ownership in a single building); senior-citizen multiple-family housing; and common-ownership, attached-unit projects such as condominiums. Duplexes and townhouses are separately defined and treated as different land uses by this chapter.

Nonconforming structure. Any building or structure or part thereof lawfully existing at the time of adoption of this chapter which is manifestly designed or arranged for a nonconforming use or any building, structure or part thereof which does not conform to the property development standards, including building height, yards, distances between buildings, density, parking, lot coverage, open green area, signs or other similar regulations of the district in which it is located.

Nonconforming use. The use of any land or structure lawfully existing at the time of adoption of this chapter, or any amendment thereto, which does not conform with the use regulations of the district in which it is located on the effective date of such use regulations.

Nursing home. Any institution, place, building or agency which maintains and operates organized facilities for one (1) or more persons, but not more than nineteen (19) persons, for the care and treatment of human illness, including convalescence and care for the aged, or which maintains and operates organized facilities for any such purpose, and to which persons may be admitted for overnight stay or longer.

Occupancy. That portion of a building occupied by one (1) tenant.

Offices. A facility used for business or personal services involving information processing, clerical work, consulting and record-keeping rather than sale or manufacturing of goods. The term "office" shall include, but not be limited to, general business offices and personal service offices such as tax preparation offices and real estate office, but does not include banks and other financial offices, medical, dental or related health-care services, administrative offices or research and development uses (see definition "Research and development").

One and one-half (1 ½) story residential structure. A residential structure where a top second floor is housed within a gable or hip roof structure, with a maximum



vertical distance of twenty (20) feet from sidewalk grade to the highest ridge line of the roof.

**Open area.** The land area within a developed site that is not covered by buildings, paving dedicated to auto use, or garbage and refuse facilities. Open area is intended for active and passive recreational use and to provide access to the natural environment. Landscaping is the primary and preferred use of open area, but it may also include hard surfaces such as patios, decks, balconies, walkways, game courts, bicycle parking areas, swimming pools and associated structures that are not fully enclosed that are consistent with these purposes.

**Open automobile dedicated area.** That land reserved for the ingress, egress or parking of motor vehicles on any parcel. This does not include the land considered as aggregate floor area.

**Outdoor commercial recreation.** Facilities for various outdoor participant sports and types of recreation where a fee is charged for use, including: amusement, theme and kiddie parks; drive-in theaters; golf driving ranges independent from golf courses; miniature golf courses (golf courses are considered a separate land use); skateboard parks and water slides; go-cart and miniature auto race tracks; recreation equipment rental (e.g., nonhighway motor vehicles, roller skates); health and athletic clubs with predominately outdoor facilities; tennis courts, swim and tennis clubs; and zoos. May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including but not limited to, bars and restaurants, fast-food restaurants, video game arcades, etc.

**Outdoor retail sales and activities.** Permanent outdoor sales and rental establishments, including autos, other vehicles and equipment, and other uses where the business is not conducted entirely within a structure.

**Outdoor retail sales, temporary.** Temporary outdoor retail operations, including: farmer's markets; seasonal sales of Christmas trees, pumpkins or other seasonal items; semiannual sales of art or handcrafted items in conjunction with community festivals or art shows; sidewalk or parking lot sales; and retail sales of various products from individual vehicles in temporary locations outside the public right-of-way. Vendors operating within the public right-of-way and sidewalk cafes are subject to the provisions of Divisions III and IV and Chapter 15 of the city code.

**Parking area, public.** An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.

**Parking space.** A permanently surfaced and marked area not less than eight and one-half (8 1/2) feet wide and twenty (20) feet long, excluding paved area necessary for access, for the parking of a motor vehicle.

**Personal services.** Establishments providing nonmedically related services, including beauty and barber shops; shoe repair shops; tanning salons; laundromats (self-service laundries); dry cleaners (includes self-contained facilities with dry-cleaning equipment serving the specific location only); clothing rental; and psychic readers. These uses may also include accessory retail sales of products related to the services provided.

**Personal storage facilities.** A facility consisting of a building or group of buildings that contains generally small, individual, compartmentalized stalls or lockers designed and constructed for the purpose of being rented as individual storage spaces and characterized by low parking demand.

**Pipelines and utility lines.** Transportation facilities for the conveyance of: crude petroleum; refined petroleum products such as gasoline and fuel oils; natural gas; mixed, manufactured or liquefied petroleum gas; or the pipeline transmission of other commodities. Also includes pipeline surface and terminal facilities, including pump stations, bulk stations, surge and storage tanks. Power transmission includes facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits. Does not include offices or service centers (classified under "Offices"), distribution substations (classified under "Public utility facilities").

**Planned unit development permit.** A discretionary land use permit issued after a process for reviewing a project containing nontraditional or unique site plan design and interrelated structures, open space or access, reviewed by the zoning administrator in compliance with Article A36.58, Planned unit development permits. This process affords maximum flexibility and diversity in site planning, structure height and location while protecting the basic integrity and character of the zoning district designation on the property. The PUD process cannot be used to approve a project that exceeds the maximum density for the zone district.

**Pool or billiard room.** For the purposes of this chapter, the term "pool or billiard room" shall have the same definition as set forth in the Mountain View City Code, Section 26.11.1.

**Pool or billiard table.** For the purposes of this chapter, the term "pool or billiard table" shall have the same definition as set forth in the Mountain View City Code, Section 26.11.1.

Poultry farm. Any premises used for the breeding, raising or maintaining of poultry for sale of eggs or poultry.

Precise plans. A document usually comprised of maps, pertinent data and text, standards and criteria, which pertains to a limited area of the community and which serves to bridge the gap between broad policies reflected in the general plan and the more immediate means of implementation. A precise plan may be adopted for the P (planned community) district for this purpose.

Printing and publishing. Establishments engaged in printing by letterpress, lithography, gravure, screen, offset or other common process, including electrostatic (xerographic) copying; and establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; and establishments manufacturing business forms and binding devices.

Public safety facilities. Facilities operated by public agencies, including fire stations, other fire prevention and fire fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities.

Public utility facilities. Fixed-base structures and facilities serving as junction points for transferring utility services from one (1) transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code Section 53091: electrical substations and switching stations; telephone switching facilities; natural gas regulating and distribution facilities; public water system wells, treatment plants and storage; community wastewater treatment plants, settling ponds and disposal fields; corporation and maintenance yards. These uses do not include office or customer service centers (classified in "Offices"), or equipment and material storage yards.

Recreational trailer park. Any area or tract of land where one (1) or more lots are rented or leased or held out for rent, or leased to owners or users of recreational vehicles or tents and which is occupied for temporary purposes.

Recreational vehicle. A camp car, mobile home, travel trailer or tent trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area less than two hundred twenty (220) square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures; bath and toilet rooms and is identified as a recreational vehicle by the manufacturer.

Recycling facilities:

1. Collection facility. A center for the acceptance by donation, redemption or purchase of recyclable materials from the public which may include the following:

- a. Reverse vending machine(s);
- b. Small collection facilities which occupy an area of three hundred fifty (350) square feet or less and may include:

- (1) A mobile unit;
  - (2) Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty (50) square feet; and

- (3) Kiosk-type units which may include permanent structures;
- and

- c. Large collection facilities which may occupy an area of more than three hundred fifty (350) square feet and may include permanent structures.

2. Convenience zones. An area within a one-half (1/2) mile radius of a supermarket.

3. Mobile recycling unit. An automobile, truck, trailer or van licensed by the Department of Motor Vehicles which is used for the collection of recyclable materials, including bins, boxes or containers transported by trucks, vans or trailers and used for the collection of recyclable materials.

4. Processing facility. A structure or enclosed space used for the collection and processing of recyclable materials to prepare for either efficient shipment or to an end-user's specifications by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing and shredding. Processing facilities include the following types, both of which are included under the land use definition of "Recycling, scrap and dismantling yards":

- a. Light processing facility occupies an area of under forty-five thousand (45,000) square feet of collection, processing and storage area and averages two (2) outbound truck shipments each day. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact or bale ferrous metals other than food and beverage containers; and

b. A heavy processing facility is any processing facility other than a light processing facility.

5. Recycling facility. A center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor is certified by the California Department of Conservation as meeting the requirements of state law (California Beverage Container Recycling and Litter Reduction Act of 1986). A recycling facility does not include storage containers located on a residential, commercial or industrial designated parcel used solely for the recycling of material generated on the parcel.

6. Recycling or recyclable material. Reusable domestic containers, including, but not limited to, glass, metals, paper and plastic, which are intended for reconstitution, remanufacture or reuse for the purpose of using in altered form. Recyclable material does not include refuse or hazardous materials.

7. Reverse vending machine. An automated mechanical device which accepts at least one (1) or more types of empty beverage containers, including, but not limited to, aluminum cans, glass and plastic bottles and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by state law. Multiple grouping of reverse vending machines may be necessary. A bulk reverse vending machine is a reverse vending machine that is larger than fifty (50) square feet, is designed to accept more than one (1) container at a time and will pay by weight instead of by container.

8. Scrap and dismantling yards. Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap and the incidental wholesale or retail sales of parts from vehicles. Includes light and heavy processing facilities for recycling (see the definitions above). Does not include: places where these activities are conducted entirely within buildings, pawn shops and other secondhand stores, the sale of operative used cars or terminal waste disposal sites.

Remnant parcel. A parcel that is less than five thousand (5,000) square feet in area which was created by an action of a public agency, such as for a right-of-way, easement, street dedication or an abandonment.

Repair and maintenance—consumer products. Service establishments where repair of consumer products is the principal business activity, including: electrical repair shops; television and radio and other appliance repair; watch, clock and jewelry repair; reupholstery and furniture repair. Does not include shoe repair (included under "Personal services"). Does not include businesses serving the repair needs of heavy equipment, which are included under "Business support services."

Repair and maintenance—vehicle. This use includes major and minor categories. Generally, the use includes the repair, alteration, restoration, towing, painting, cleaning (including self-service and attended car washes) or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a principal use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. Also includes tire recapping establishments. Does not include: automobile parking (see "Vehicle storage"), repair shops that are part of a vehicle dealership on the same site, which are included under "Auto, mobile home, vehicle and parts sales" service stations, which are separately defined; or automobile dismantling yards which are included under "Recycling—scrap and dismantling yards." Major vehicle repair facilities deal with entire vehicles; minor facilities specialize in limited aspects of repair, i.e., car washes, muffler and radiator shops, quick-lube, etc. (see "Automotive repair, minor" and "Automotive repair, major").

Research and development. A land use devoted to scientific and engineering research and the design, development and testing of new technology and products; usually includes some laboratory space or other small-scale manufacturing operations. This definition includes software and internet companies and other similar uses.

Restaurant (land use). The retail sale of food and beverages that are prepared on the same premises. Types of restaurants include:

(a) Counter service. A restaurant where a customer orders and picks up the food at a central counter and where the restaurant maintains tables or counters for on-premise consumption of the food and beverages. This definition does not include the serving of single specialty items such as ice cream, restaurants where food is prepared and sold but not consumed on the premises (see "Take-out" below), but does include the counter service portion of restaurants providing both counter and table service.

(b) Fast food. Franchised or independently operated restaurants where customers are served prepared food from an ordering counter or drive-through aisle, for either on- or off-premise consumption.

(c) Table service. A restaurant where orders are placed and prepared food is brought to a customer for consumption at a table or counter maintained by the restaurant.

(d) Take-out. A restaurant that provides no tables or counters on the premises for the consumption of food otherwise prepared and served on the premises.

Retail food establishment. Any building, structure or establishment used for the preparation of food but which provides no tables or counters on premises for the

consumption of food, thereby requiring a customer who purchases food to take food off premises for consumption.

Retail stores, general merchandise. Retail trade establishments selling many lines of merchandise. Such types of stores and lines of merchandise include, but are not limited to:

- artists' supplies
- auto parts (not repair or machine shops)
- bakeries (retail only)
- bicycles and mopeds
- books
- cameras and photographic supplies
- clothing and accessories
- department stores
- drug and discount stores
- dry goods
- fabrics and sewing supplies
- florists and houseplant stores (indoor sales only—outdoor sales are "Plant nurseries")
- general stores
- gifts, novelties and souvenirs
- handcrafted items (stores may include crafting operations subordinate to sales)
- hardware
- hobby materials



- jewelry
- luggage and leather goods
- musical instruments, parts and accessories
- newsstands
- orthopedic supplies
- pet stores
- religious goods
- small wares
- specialty shops
- sporting goods and equipment
- stationery
- toys and games
- variety stores.

Roadside stand. A temporary structure designed or used for the display or sale of agricultural products produced on the premises upon which such a stand is located.

Rowhouse development. A rowhouse is a one (1) family dwelling in a row of such units, where each unit has its own front access which is usually above grade, no unit is located over another unit (except for minor deviations of a unit located partially above another unit approved as part of a condominium plan) and each unit is either in an attached configuration or separated by no more than ten (10) feet. The garage is at the rear of the unit with visitor parking located along internal streets, in lots or separate buildings. Private open space may be limited to a porch, patio, front yard or deck.

Secondhand stores. Indoor retail establishments that buy and sell used products, including, but not limited to, books, clothing, furniture and household goods. The sale of cars and other used vehicles is included under "Auto, mobile home, vehicle and parts sales."

**Service station.** A retail business selling gasoline or other motor vehicle fuels, which may also provide vehicle engine maintenance and repair services incidental to fuel sales (if permitted in the applicable zoning district). May also include accessory towing and trailer rental services spaces (if permitted in the applicable zoning district), but not the storage or repair of wrecked or abandoned vehicles, vehicle painting, body or fender work, or the rental of vehicle storage or parking.

**Setback.** The minimum allowable horizontal distance from a given point or line of reference, such as a street right-of-way, to the nearest vertical wall or other element of a building or structure as defined herein.

**Schools—college and university.** Community colleges, public or private universities and professional schools granting associates art degrees, certificates, undergraduate and graduate degrees and requiring admission at least a high school diploma or equivalent general academic training and not otherwise defined as a private educational facility.

**Schools—private.** Any educational institution, not under public administration, including: privately owned schools and schools owned and operated by religious organizations or other similar activity or pursuit. This definition does not include community or junior colleges, colleges or universities.

**Schools—public.** A building or group of buildings for educational and/or classroom purposes operated in the Mountain-Whisman Elementary School District, Mountain View High School District or Los Altos Unified School District and/or other public education institutions, such as charter schools, offering a general course of study at primary, secondary or high school levels which offers instruction in those courses of study required by the California Education Code.

**Schools—specialized education and training.** Business, secretarial schools and vocational schools offering specialized trade and commercial courses. Includes specialized nondegree-granting schools offering such subjects as: art, drama, language, music, driver education, ballet and other dance and after-school tutoring centers. Also includes seminaries and other facilities exclusively engaged in training for religious ministries, and establishments furnishing educational courses by mail. Facilities, institutions and conference centers are included that offer specialized programs in personal growth and development (including fitness, environmental awareness, arts, communications and management, as examples).

**Shopping center.** A building or buildings in which are situated no less than five (5) separate tenants or occupants whose combined gross floor area totals at least twenty thousand (20,000) square feet where no more than ten (10) percent of such tenants' or occupants' combined gross floor area is devoted to restaurant use, where the zoning administrator determines that such tenants or occupants are engaging in compatible

uses and which uses are located on the same lot or located on separate but abutting lots tied together by binding legal agreements providing rights of reciprocal vehicular parking and vehicular access.

**Sign.** Any card, cloth, glass, metal, painted, paper, plastic, wooden or other configuration of any character placed in or on the ground or any tree, wall, bush, rock, fence, pavement, building, structure or thing, for the purpose of advertising, announcing, declaring, demonstrating or displaying information about a specific business, occupant use, activity or building, including, but not limited to, clocks, barber poles and similar devices, and excluding official notices issued by a court or public officer.

**Sign area.** The calculated area of all parts and surfaces of a sign except the supporting structure. The sign area shall be measured by means of a single rectangular or circular shape that encloses all sign elements. For signs with more than one (1) side that is visible to the public, the sign area shall be the total of the calculated area of all sides.

**Sign, decorative graphics.** Decorative graphics shall be defined to include any graphic symbol, logo, monogram, words treated as a graphic image or other symbolic device which identifies the specific business or products or services offered on the premises or which relates to the contents of the building-mounted sign. This section shall apply only to commercial signs.

**Sign, directional.** Any sign the sole purpose of which is to regulate the flow of pedestrians and vehicles on private property.

**Sign, freestanding.** Any sign not entirely supported by a building.

**Sign, identification.** Any sign the sole purpose of which is to identify the appurtenant premises, the occupant of the premises or the principal business conducted on the said premises or the principal product sold or service performed on the said premises.

**Sign, nonappurtenant.** Any sign which does not relate to, or which relates only incidentally to, the occupant of the appurtenant premises or the principal business conducted thereon or the principal product sold or service performed thereon.

**Sign, real estate.** Any sign the purpose of which is to declare the appurtenant real property for rent, lease or sale.

**Sign, window.** Window signs shall include any graphics material, words or symbols attached to the glass surface of a building or located within four (4) feet of the inside surface of a window that is viewable by the public. Window graphics and

displays complying with Section A36.38.060.B.9(d) shall not be considered "window signs."

**Significant tobacco retailers.** Any tobacco retailer that either devotes twenty (20) percent or more of floor area or display area to, or derives seventy-five (75) percent or more of gross sales receipts from, the sale or exchange of tobacco products and/or tobacco paraphernalia at the subject location. This definition shall not include cigar stores which qualify for exemption under Section 21.61 of the Mountain View municipal code.

**Single-family dwellings.** A detached building designed for and/or occupied exclusively by one (1) family. Also includes factory-built housing (modular housing).

**Small-lot, single-family development.** Small-lot, single-family development consists of two (2) or more detached single-family dwellings within a planned unit development project on individual lots that typically average between three thousand six hundred (3,600) square feet to four thousand three hundred (4,300) square feet per lot.

**Storage, accessory.** The indoor storage of various materials on the same site as a principal building or land use which is other than storage which supports the activities or conduct of the principal use. Includes the storage of automobiles (including their incidental restoration and repair), personal recreational vehicles and other personal property, accessory to a residential use.

**Storage containers.** Cargo, shipping and/or containers which are designed for the storage or transportation of goods by sea, air, rail or truck and can include commercial truck bodies, with or without wheels.

**Street.** Publicly maintained right-of-way which provides a public means of access to abutting property. The term "street" shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term.

**Structure.** That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

**Supergraphics.** Painted or otherwise colored, specific symbols, shapes or devices on the walls of a building wherein the primary intent is decoration and architectural enhancement of a building. Supergraphics shall not be used to convey information about a specific occupant of a building or of a specific type of use within a building, or specifically direct attention to the identification sign or signs of a tenant within a building or of the building itself.

Swimming pool. Any pool, pond, lake or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than three (3) feet.

Theaters. Indoor facilities for public assembly and group entertainment other than sporting events, such as: public and semi-public auditoriums, exhibition and convention halls, civic theaters and facilities for "live" theater and concerts, motion picture theaters and similar public assembly uses. Outdoor theaters, concert and similar entertainment facilities, and indoor and outdoor facilities for sporting events are included under the definition of "Sport facilities and outdoor public assembly."

Townhouse development. A group of two (2) or more attached single-family dwellings where each unit has its own front and rear access to the outside, no unit is located over another unit, each unit is separated from others by one (1) or more common and fire-resistant walls and owners have fee simple title to the property and each has a private "open area."

Trailer. Any unit used or designed to be used for living or sleeping purposes, or both, and which is designed to be equipped with wheels or similar devices used, or to be used, for the purpose of transporting said unit from place to place, in compliance with the provisions of the California Vehicle Code, whether by motive power or other means.

Trailer park. Any place, area or tract of land upon which one (1) or more trailers are used for human habitation, either sleeping or living; irrespective of whether or not rent is charged for such accommodation.

Transit stations and terminals. Passenger stations for vehicular and rail mass transit systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system. Includes buses, taxis, railway, etc.

Travel trailer. A vehicle other than a motor vehicle, which is designed or used for human habitation, and which may be moved upon a public highway without a special permit or chauffeur's license or both, without violating any provision of the vehicle code.

Vehicle storage. Service establishments in the business of storing operative cars, buses, recreational vehicles and other motor vehicles for clients. Includes both day use and long-term public and commercial garages, parking lots and structures, except when accessory to a principal use. (All principal uses are considered to include any customer or public use off-street parking required by this ordinance.) Includes sites where vehicles are stored for rental or leasing. Does not include dismantling yards (classified in "Recycling, scrap and dismantling yards").

Veterinary clinics and animal hospitals. Any premises to which animals are brought, or where they are temporarily kept, solely for purposes of diagnosis or treatment of any illness or injury.

Wall plate. The top most structural element of a wall frame.

Warehouse. A building or part of a building that is constructed or adapted for the storage of goods or merchandise, as distinguished from personal storage facilities.

Warehouse retail. Retail businesses that retail goods in large quantities to the general public in a building or on a site that is large and industrial in character.

Wholesaling and distribution. Establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as: merchant wholesalers; agents, merchandise or commodity brokers and commission merchants; assemblers, buyers and associations engaged in the cooperative marketing of farm products; stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment to contractors or other wholesalers.

Yard, front. An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter.

(a) Front yard, least depth. The shortest distance measured horizontally between the closest part of the nearest building, other than such parts herein excepted, and the front lot line.

(b) Front yard, least depth, how measured. Such depth shall be measured from the right-of-way line of the existing street on which the lot fronts (the lot front line) provided, however, that if a precise plan line has been officially adopted, and it differs from the existing right-of-way line of the existing street, then the required front yard least depth shall be measured from the precise plan line of such street as adopted.

Yard, rear. An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter.

(a) Rear yard, least depth. The shortest distance measured horizontally between the closest part of the nearest building, other than such parts herein excepted, and the rear lot line.

Yard, side. An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter.

(a) Yard, side, least width. The shortest distance, measured horizontally between the closest part of the nearest building, other than such parts hereinafter excepted, and the nearest side lot line.

(b) Yard, side, least width, how measured. Such width shall be measured from the nearest side lot line and in case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street provided, however, that if a precise plan line has been officially adopted, and it differs from the existing right-of-way line of the existing street, then the required side yard least width shall be measured from the precise plan line of such street as adopted.

Zoning administrator. The zoning administrator of the city of Mountain View."

Section 4. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 5. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 6. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

LH/5/ORD  
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